THE MAN *versus* THE STATE:

CONTAINING

"The New Toryism,"

"The Coming Slavery,"

"The Sins of Legislators,"

AND

"The Great Political Superstition."

BY

HERBERT SPENCER.

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HERBERT SPENCER.

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PREFACE.

The *Westminster Review* for April 1860, contained an article entitled "Parliamentary Reform: the Dangers and the Safeguards." In that article I ventured to predict some results of political changes then proposed.

Reduced to its simplest expression, the thesis maintained was that, unless due precautions were taken, increase of freedom in form would be followed by decrease of freedom in fact. Nothing has occurred to alter the belief I then expressed. The drift of legislation since that time has been of the kind anticipated. Dictatorial measures, rapidly multiplied, have tended continually to narrow the liberties of individuals; and have done this in a double way. Regulations have been made in yearly-growing numbers, restraining the citizen in directions where his actions were previously unchecked, and compelling actions which previously he might perform or not as he liked; and at the same time heavier public burdens, chiefly local, have further restricted his freedom, by lessening that portion of his earnings which he can spend as he pleases, and augmenting the portion taken from him to be spent as public agents please.

The causes of these foretold effects, then in operation, continue in operation—are, indeed, likely to be strengthened; and finding that the conclusions drawn respecting these causes and effects have proved true, I have been prompted to set forth and

emphasize kindred conclusions respecting the future, and do what little may be done towards awakening attention to threatened evils.

For this purpose were written the four following articles, originally published in the *Contemporary Review* for February, April, May, June and July of this year. To meet certain criticisms and to remove some of the objections likely to be raised, I have now added a postscript.

Bayswater, July, 1884.

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THE MAN *VERSUS* THE STATE.

THE NEW TORYISM.

Most of those who now pass as Liberals, are Tories of a new type. This is a paradox which I propose to justify. That I may justify it, I must first point out what the two political parties originally were; and I must then ask the reader to bear with me while I remind him of facts he is familiar with, that I may impress on him the intrinsic natures of Toryism and Liberalism properly so called.

Dating back to an earlier period than their names, the two political parties at first stood respectively for two opposed types of social organization, broadly distinguishable as the militant and the industrial—types which are characterized, the one by the *régime* of status, almost universal in ancient days, and the other by the *régime* of contract, which has become general in modern days, chiefly among the Western nations, and especially among ourselves and the Americans. If, instead of using the word "co-operation" in a limited sense, we use it in its widest sense, as signifying the combined activities of citizens under whatever system of regulation; then these two are definable as the system of compulsory co-operatiou and the system of voluntary co-operation. The typical structure of the one we see in an army formed of conscripts, in which the units in their several grades have to fulfil commands under pain of death, and receive food and clothing and pay, arbitrarily apportioned; while the typical structure of the other we see in a body of producers or distributors, who seve-

rally agree to specified payments in return for specified services, and may at will, after due notice, leave the organization if they do not like it.

During social evolution in England, the distinction between these two fundamentally-opposed forms of co-operation, made its appearance gradually; but long before the names Tory and Whig came into use, the parties were becoming traceable, and their connexions with militancy and industrialism respectively, were vaguely shown. The truth is familiar that, here as elsewhere, it was habitually by town-populations, formed of workers and traders accustomed to co-operate under contract, that resistances were made to that coercive rule which characterizes co-operation under status. While, conversely, co-operation under status, arising from, and adjusted to, chronic warfare, was supported in rural districts, originally peopled by military chiefs and their dependents, where the primitive ideas and traditions survived. Moreover, this contrast in political leanings, shown before Whig and Tory principles became clearly distinguished, continued to be shown afterwards. At the period of the Revolution, "while the villages and smaller towns were monopolized by Tories, the larger cities, the manufacturing districts, and the ports of commerce, formed the strongholds of the Whigs." And that, spite of exceptions, the like general relation still exists, needs no proving.

Such were the natures of the two parties as indicated by their origins. Observe, now, how their natures were indicated by their early doctrines and deeds. Whiggism began with resistance to Charles II. and his cabal, in their efforts to re-establish unchecked monarchical power. The Whigs "regarded the monarchy as a civil institution, established by the nation for the benefit of all its members;" while with the Tories "the monarch was the delegate of heaven." And these doctrines involved the beliefs, the one that subjection of citizen to ruler was conditional, and the other that it was unconditional. Describing Whig and Tory as conceived at the end of the seventeenth century, some fifty years before he wrote his *Dissertation on Parties*, Bolingbroke says:—

> "The power and majesty of the people, an original contract, the authority and independency of Parliaments, liberty, resistance, exclusion, abdication, deposition; these were ideas associated, at that time, to the idea of a Whig, and supposed by every Whig to be incommunicable, and inconsistent with the idea of a Tory.

"Divine, hereditary, indefeasible right, lineal succession, passive-obedience, prerogative, non-resistance, slavery, nay, and sometimes popery too, were associated in many minds to the idea of a Tory, and deemed incommunicable and inconsistent, in the same manner, with the idea of a Whig."—*Dissertation on Parties*, p. 5.

And if we compare these descriptions, we see that in the one party there was a desire to resist and decrease the coercive power of the ruler over the subject, and in the other party to maintain or increase his coercive power. This distinction in their aims—a distinction which transcends in meaning and importance all other political distinctions—was displayed in their early doings. Whig principles were exemplified in the Habeas Corpus Act, and in the measure by which judges were made independant of the Crown; in defeat of the Non-Resisting Test Bill, which proposed for legislators and officials a compulsory oath that they would in no case resist the king by arms; and, later, they were exemplified in the Bill of Rights, framed to secure subjects against monarchical aggressions. These Acts had the same intrinsic nature. The principle of compulsory co-operation throughout social life was weakened by them, and the principle of voluntary co-operation strengthened. That at at a subsequent period the policy of the party had the same general tendency, is well shown by a remark of Mr. Green concerning the period of Whig power after the death of Anne:—

"Before the fifty years of their rule had passed, Englishmen had forgotten that it was possible to persecute for differences of religion, or to put down the liberty of the press, or to tamper with the administration of justice, or to rule without a Parliament."—*Short History*, p. 705.

And now, passing over the war-period which closed the last century and began this, during which that extension of individual freedom previously gained was lost, and the retrograde movement towards the social type proper to militancy was shown by all kinds of coercive measures, from those which took by force the persons and property of citizens for war-purposes to those which suppressed public meetings and sought to gag the press, let us recall the general characters of those changes effected by Whigs or Liberals after the re-establishment of peace permitted revival of the industrial *régime* and return to its appropriate type of structure. Under growing Whig influence there came repeal of the laws forbidding combinations among artisans, as well as of those which interfered with their freedom of travelling. There was the measure by which, under

Whig pressure, Dissenters were allowed to believe as they pleased without suffering certain civil penalties; and there was the Whig measure, carried by Tories under compulsion, which enabled Catholics to profess their religion without losing part of their freedom. The area of liberty was extended by Acts which forbad the buying of negroes and the holding of them in bondage. The East India Company's monopoly was abolished, and trade with the East made open to all. The political serfdom of the unrepresented was narrowed in area, both by the Reform Bill and the Municipal Reform Bill; so that alike generally and locally, the many were less under the coercion of the few. Dissenters, no longer obliged to submit to the ecclesiastical form of marriage, were made free to wed by a purely civil rite. Later came diminution and removal of restraints on the buying of foreign commodities and the employment of foreign vessels and foreign sailors; and later still the removal of those burdens on the press, which were originally imposed to hinder the diffusion of opinion. And of all these changes it is unquestionable that, whether made or not by Liberals themselves, they were made in conformity with principles professed and urged by Liberals.

But why do I enumerate facts so well known to all? Simply because, as intimated at the outset, it seems needful to remind everybody what Liberalism was in the past, that they may perceive its unlikeness to the so-called Liberalism of the present. It would be inexcusable to name these various measures for the purpose of pointing out the character common to them, were it not that in our day men have forgotten their common character. They do not remember that, in one or other way, all these truly Liberal changes diminished compulsory co-operation throughout social life and increased voluntary co-operation. They have forgotten that, in one direction or other, they diminished the range of governmental authority, and increased the area within which each citizen may act unchecked. They have lost sight of the truth that in past times Liberalism habitually stood for individual freedom *versus* State-coercion.

And now comes the inquiry—How is it that Liberals have lost sight of this? How is it that Liberalism, getting more and more into power, has grown more and more coercive in its legislation? How is it that, either directly through its own majorities or indirectly through aid given in such cases to the majorities of its

opponents, Liberalism has to an increasing extent adopted the policy of dictating the actions of citizens, and, by consequence, diminishing the range throughout which their actions remain free? How are we to explain this spreading confusion of thought which has led it, in pursuit of what appears to be public good, to invert the method by which in earlier days it achieved public good?

Unaccountable as at first sight this unconscious change of policy seems, we shall find that it has arisen quite naturally. Given the unanalytical thought ordinarily brought to bear on political matters, and, under existing conditions, nothing else was to be expected. To make this clear some parenthetic explanations are needful.

From the lowest to the highest creatures, intelligence progresses by acts of discrimination; and it continues so to progress among men, from the most ignorant to the most cultured. To class rightly—to put in the same group things which are of essentially the same natures, and in other groups things of natures essentially different—is the fundamental condition to right guidance of actions. Beginning with rudimentary vision, which gives warning that some large opaque body is passing near (just as closed eyes turned to the window, perceiving the shade caused by a hand put before them, tell us of something moving in front), the advance is to developed vision, which, by exactly-appreciated combinations of forms, colours, and motions, identifies objects at great distances as prey or enemies, and so makes it possible to improve the adjustments of conduct for securing food or evading death. That progressing perception of differences and consequent greater correctness of classing, constitutes, under one of its chief aspects, the growth of intelligence, is equally seen when we pass from the relatively simple physical vision to the relatively complex intellectual vision—the vision through the agency of which, things previously grouped by certain external resemblances or by certain extrinsic circumstances, come to be more truly grouped in conformity with their intrinsic structures or natures. Undeveloped intellectual vision is just as indiscriminating and erroneous in its classings as undeveloped physical vision. Instance the early arrangement of plants into the groups, trees, shrubs, and herbs: size, the most conspicuous trait, being the ground of distinction; and the assemblages formed being such as united many plants extremely unlike in their natures, and separated others that are near akin. Or still better, take the

popular classification which puts together under the same general name, fish and shell-fish, and under the sub-name, shell-fish, puts together crustaceans and molluscs; nay, which goes further, and regards as fish the cetacean mammals. Partly because of the likeness in their modes of life as inhabiting the water, and partly because of some general resemblance in their flavours, creatures that are in their essential natures far more widely separated than a fish is from a bird, are associated in the same class and in the same subclass.

Now the general truth thus exemplified, holds throughout those higher ranges of intellectual vision concerned with things not presentable to the senses, and, among others, such things as political institutions and political measures. For when thinking of these, too, the results of inadequate intellectual faculty, or inadequate culture of it, or both, are erroneous classings and consequent erroneous conclusions. Indeed, the liability to error is here much greater; since the things with which the intellect is concerned do not admit of examination in the same easy way. You cannot touch or see a political institution: it can be known only by an effort of constructive imagination. Neither can you apprehend by physical perception a political measure: this no less requires a process of mental representation by which its elements are put together in thought, and the essential nature of the combination conceived. Here, therefore, still more than in the cases above named, defective intellectual vision is shown in grouping by external characters, or extrinsic circumstances. How institutions are wrongly classed from this cause, we see in the common notion that the Roman Republic was a popular form of government. Look into the early ideas of the French revolutionists who aimed at an ideal state of freedom, and you find that the political forms and deeds of the Romans were their models; and even now a historian might be named who instances the corruptions of the Roman Republic as showing us what popular government leads to. Yet the resemblance between the institutions of the Romans and free institutions properly so-called, was less than that between a shark and a porpoise—a resemblance of general external form accompanying widely different internal structures. For the Roman Government was that of a small oligarchy within a larger oligarchy: the members of each being unchecked autocrats. A society in which the relatively few men who had political power,

and were in a qualified sense free, were so many petty despots, holding not only slaves and dependents but even children in a bondage no less absolute than that in which they held their cattle, was, by its intrinsic nature, more nearly allied to an ordinary despotism than to a society of citizens politically equal.

Passing now to our special question, we may understand the kind of confusion in which Liberalism has lost itself; and the origin of those mistaken classings of political measures which have misled it—classings, as we shall see, by conspicuous external traits instead of by internal natures. For what, in the popular apprehension and in the apprehension of those who effected them, were the changes made by Liberals in the past? They were abolitions of grievances suffered by the people, or by portions of them: this was the common trait they had which most impressed itself on men's minds. They were mitigations of evils which had directly or indirectly been felt by large classes of citizens, as causes of misery or as hindrances to happiness. And since, in the minds of most, a rectified evil is equivalent to an achieved good, these measures came to be thought of as so many positive benefits; and the welfare of the many came to be conceived alike by Liberal statesmen and Liberal voters as the aim of Liberalism. Hence the confusion. The gaining of a popular good, being the external conspicuous trait common to Liberal measures in earlier days (then in each case gained by a relaxation of restraints), it has happened that popular good has come to be sought by Liberals, not as an end to be indirectly gained by relaxations of restraints, but as the end to be directly gained. And seeking to gain it directly, they have used methods intrinsically opposed to those originally used.

And now, having seen how this reversal of policy has arisen (or partial reversal, I should say, for the recent Burials Act and the efforts to remove all remaining religious inequalities, show continuance of the original policy in certain directions), let us proceed to contemplate the extent to which it has been carried during recent times, and the still greater extent to which the future will see it carried if current ideas and feelings continue to predominate.

Before proceeding, it may be well to say that no reflections are intended on the motives which prompted one after another

of these various restraints and dictations. These motives were doubtless in nearly all cases good. It must be admitted that the restrictions placed by an Act of 1870, on the employment of women and children in Turkey-red dyeing works, were, in intention, no less philanthropic than those of Edward VI., which prescribed the minimum time for which a journeyman should be retained. Without question, the Seed Supply (Ireland) Act of 1880, which empowered guardians to buy seed for poor tenants, and then to see it properly planted, was moved by a desire for public welfare no less great than that which in 1533 prescribed the number of sheep a tenant might keep, or that of 1597, which commanded that decayed houses of husbandry should be rebuilt. Nobody will dispute that the various measures of late years taken for restricting the sale of intoxicating liquors, have been taken as much with a view to public morals as were the measures taken of old for checking the evils of luxury; as, for instance, in the fourteenth century, when diet as well as dress was restricted. Everyone must see that the edicts issued by Henry VIII. to prevent the lower classes from playing dice, cards, bowls, &c., were not more prompted by desire for popular welfare than were the Acts passed of late to check gambling.

Further, I do not intend here to question the wisdom of these modern interferences, which Conservatives and Liberals vie with one another in multiplying, any more than to question the wisdom of those ancient ones which they in many cases resemble. We will not now consider whether the plans of late adopted for preserving the lives of sailors, are or are not more judicious than that sweeping Scotch measure which, in the middle of the fifteenth century, prohibited captains from leaving harbour during the winter. For the present, it shall remain undebated whether there is a better warrant for giving sanitary officers powers to search certain premises for unfit food, than there was for the law of Edward III., under which innkeepers at seaports were sworn to search their guests to prevent the exportation of money or plate. We will assume that there is no less sense in that clause of the Canal-boat Act, which forbids an owner to board gratuitously the children of the boatmen, than there was in the Spitalfields Acts, which, up to 1824, for the benefit of the artisans, forbade the manufacturers to fix their factories more than ten miles from the Royal Exchange.

We exclude, then, these questions of philanthropic motive and

wise judgment, taking both of them for granted; and have here to concern ourselves solely with the compulsory nature of the measures which, for good or evil as the case may be, have been put in force during periods of Liberal ascendancy.

To bring the illustrations within compass, let us commence with 1860, under the second administration of Lord Palmerston. In that year, the restrictions of the Factories Act were extended to bleaching and dyeing works; authority was given to provide analysts of food and drink, to be paid out of local rates; there was an Act providing for inspection of gas-works, as well as for fixing quality of gas and limiting price; there was the act which, in addition to further mine-inspection, made it penal to employ boys under twelve not attending school and unable to read and write. In 1861 occurred an extension of the compulsory provisions of the Factories Act to lace-works; power was given to poor-law guardians, &c., to enforce vaccination; local boards were authorized to fix rates of hire for horses, ponies, mules, asses, and boats; and certain locally-formed bodies had given to them powers of taxing the locality for rural drainage and irrigation works, and for supplying water to cattle. In 1862, an Act was passed for restricting the employment of women and children in open-air bleaching; and an Act for making illegal a coal-mine with a single shaft, or with shafts separated by less than a specified space; as well as an Act giving the Council of Medical Education the exclusive right to publish a Pharmacopœia, the price of which is to be fixed by the Treasury. In 1863 came the extension of compulsory vaccination to Scotland, and also to Ireland; there came the empowering of certain boards to borrow money repayable from the local rates, to employ and pay those out of work; there came the authorizing of town-authorities to take possession of neglected ornamental spaces, and rate the inhabitants for their support; there came the Bakehouses Regulation Act, which, besides specifying minimum age of employés occupied between certain hours, prescribed periodical lime-washing, three coats of paint when painted, and cleaning with hot water and soap at least once in six months; and there came also an Act giving a magistrate authority to decide on the wholesomeness or unwholesomeness of food brought before him by an inspector. Of compulsory legislation dating from 1864, may be named an extension of the Factories Act to various additional trades, including regulations for cleansing and ventilation, and specifying of certain

employés in match-works, that they might not take meals on the premises except in the wood-cutting places. Also there were passed a Chimney-Sweepers Act, an Act for further regulating the sale of beer in Ireland, an Act for compulsory testing of cables and anchors, an Act extending the Public Works Act of 1863, and the Contagious Diseases Act: which last gave the police, in specified places, powers which, in respect of certain classes of women, abolished sundry of those safeguards to individual freedom established in past times. The year 1865 witnessed further provision for the reception and temporary relief of wanderers at the cost of ratepayers; another public-house closing Act; and an Act making compulsory regulations for extinguishing fires in London. Then, under the Ministry of Lord John Russell, in 1866, have to be named an act to regulate cattle-sheds, &c., in Scotland, giving local authorities powers to inspect sanitary conditions and fix the numbers of cattle; an Act forcing hop-growers to label their bags with the year and place of growth and the true weight, and giving police powers of search; an Act to facilitate the building of lodging-houses in Ireland, and providing for regulation of the inmates; a Public Health Act, under which there is registration of lodging-houses and limitation of occupants, with inspection and directions for lime-washing, &c.; and a Public Libraries Act, giving local powers by which a majority can tax a minority for their books.

Passing now to the legislation under the first Ministry of Mr. Gladstone, we have, in 1869, the establishment of State-telegraphy, with the accompanying interdict on telegraphing through any other agency; we have the empowering a Secretary of State to regulate hired conveyances in London; we have further and more stringent regulations to prevent cattle-diseases from spreading, another Beer-house Regulation Act, and a Sea-birds Preservation Act (ensuring greater mortality of fish). In 1870 we have a law authorizing the Board of Public Works to make advances for landlords' improvements and for purchase by tenants; we have the Act which enables the Education Department to form school-boards which shall purchase sites for schools, and may provide free schools supported by local rates, and enabling school-boards to pay a child's fees, to compel parents to send their children, &c. &c.; we have a further Factories and Workshops Act, making, among other restrictions, some on the employment of women and children in fruit-preserving and fish-curing works. In 1871 we meet with an amended Mer-

chant Shipping Act, directing officers of the Board of Trade to record the draught of sea-going vessels leaving port; there is another Factory and Workshops Act, making further restrictions; there is a Pedlar's Act, inflicting penalties for hawking without a certificate, and limiting the district within which the certificate holds, as well as giving the police power to search pedlars' packs; and there are further measures for enforcing vaccination. The year 1872 had, among other Acts, one which makes it illegal to take for hire more than one child to nurse, unless in a house registered by the authorities, who prescribe the number of infants to be received; it had a Licensing Act, interdicting sale of spirits to those apparently under sixteen; and it had another Merchant Shipping Act, establishing an annual survey of passenger steamers. Then in 1873 was passed the Agricultural Children's Act, which makes it penal for a farmer to employ a child who has neither certificate of elementary education nor of certain prescribed school-attendances; and there was passed a Merchant Shipping Act, requiring on each vessel a scale showing draught and giving the Board of Trade power to fix the numbers of boats and life-saving appliances to be carried.

Turn now to Liberal law-making under the present Ministry. We have, in 1880, a law which forbids conditional advance-notes in payment of sailors' wages; also a law which dictates certain arrangements for the safe carriage of grain-cargoes; also a law increasing local coercion over parents to send their children to school. In 1881 comes legislation to prevent trawling over clam-beds and bait-beds, and an interdict making it impossible to buy a glass of beer on Sunday in Wales. In 1882 the Board of Trade was authorised to grant licences to generate and sell electricity, and municipal bodies were enabled to levy rates for electric-lighting; further exactions from ratepayers were authorized for facilitating more accessible baths and washhouses; and local authorities were empowered to make bye-laws for securing the decent lodging of persons engaged in picking fruit and vegetables. Of such legislation during 1883 may be named the Cheap Trains Act, which, partly by taxing the nation to the extent of £400,000 a year (in the shape of relinquished passenger duty), and partly at the cost of railway-proprietors, still further cheapens travelling for workmen: the Board of Trade, through the Railway Commissioners, being empowered to ensure sufficiently good and frequent accommodation. Again, there is the Act which, under

penalty of £10 for disobedience, forbids the payment of wages to workmen at or within public-houses; there is another Factory and Workshops Act, commanding inspection of white lead works (to see that there are provided overalls, respirators, baths, acidulated drinks, &c.) and of bake-houses, regulating times of employment in both, and prescribing in detail some constructions for the last, which are to be kept in a condition satisfactory to the inspectors.

But we are far from forming an adequate conception if we look only at the compulsory legislation which has actually been established of late years. We must look also at that which is advocated, and which threatens to be far more sweeping in range and stringent in character. We have lately had a Cabinet Minister, one of the most advanced Liberals, so-called, who pooh-poohs the plans of the late Government for improving industrial dwellings as so much "tinkering;" and contends for effectual coercion to be exercised over owners of small houses, over land-owners, and over rate-payers. Here is another Cabinet Minister who, addressing his constituents, speaks slightingly of the doings of philanthropic societies and religious bodies to help the poor, and says that "the whole of the people of this country ought to look upon this work as being their own work:" that is to say, some extensive Government measure is called for. Again, we have a Radical member of Parliament who leads a large and powerful body, aiming with annually-increasing promise of success, to enforce sobriety by giving to local majorities powers to prevent freedom of exchange in respect of certain commodities. Regulation of the hours of labour for certain classes, which has been made more and more general by successive extensions of the Factories Acts, is likely now to be made still more general: a measure is to be proposed bringing the employés in all shops under such regulation. There is a rising demand, too, that education shall be made gratis for all. The payment of school-fees is beginning to be denounced as a wrong: the State must take the whole burden. Moreover, it is proposed by many that the State, regarded as an undoubtedly competent judge of what constitutes good education for the poor, shall undertake also to prescribe good education for the middle classes—shall stamp the children of these, too, after a State pattern, concerning the goodness of which they have no more doubt than the Chinese had when they fixed theirs. Then there is the "endowment of research," of late energetically urged. Already the

Government gives every year the sum of £4,000 for this purpose, to be distributed through the Royal Society; and in the absence of those who have strong motives for resisting the pressure of the interested backed by those they easily persuade, it may by-and-by establish that paid "priesthood of science" long ago advocated by Sir David Brewster. Once more, plausible proposals are made that there should be organized a system of compulsory insurance, by which men during their early lives shall be forced to provide for the time when they will be incapacitated.

Nor does enumeration of these further measures of coercive rule, looming on us near at hand or in the distance, complete the account. Nothing more than cursory allusion has yet been made to that accompanying compulsion which takes the form of increased taxation, general and local. Partly for defraying the costs of carrying out these ever-multiplying coercive measures, each of which requires an additional staff of officers, and partly to meet the outlay for new public institutions, such as board-schools, free libraries, public museums, baths and washhouses, recreation grounds, &c., &c., local rates are year after year increased; as the general taxation is increased by grants for education and to the departments of science and art, &c. Every one of these involves further coercion—restricts still more the freedom of the citizen. For the implied address accompanying every additional exaction is —"Hitherto you have been free to spend this portion of your earnings in any way which pleased you; hereafter you shall not be free so to spend it, but we will spend it for the general benefit." Thus, either directly or indirectly, and in most cases both at once, the citizen is at each further stage in the growth of this compulsory legislation, deprived of some liberty which he previously had.

Such, then, are the doings of the party which claims the name of Liberal; and which calls itself Liberal as being the advocate of extended freedom.

I doubt not that many a member of the party has read the preceding section with impatience; wanting, as he does, to point out an immense oversight which he thinks destroys the validity of the argument. "You forget," he wishes to say, "the fundamental difference between the power which, in the past, established those restraints that Liberalism abolished, and the power which, in the present, establishes the restraints you call anti-Liberal. You

forget that the one was an irresponsible power, while the other is a responsible power. You forget that if by the recent legislation of Liberals, people are variously regulated, the body which regulates them is of their own creating, and has their warrant for its acts."

My answer is, that I have not forgotten this difference, but am prepared to contend that the difference is in large measure irrelevant to the issue.

In the first place, the real issue is whether the lives of citizens are more interfered with than they were; not the nature of the agency which interferes with them. Take a simpler case. A member of a trades' union has joined others in establishing an organization of a purely representative character. By it he is compelled to strike if a majority so decide; he is forbidden to accept work save under the conditions they dictate; he is prevented from profiting by his superior ability or energy to the extent he might do were it not for their interdict. He cannot disobey without abandoning those pecuniary benefits of the organization for which he has subscribed, and bringing on himself the persecution, and perhaps violence, of his fellows. Is he any the less coerced because the body coercing him is one which he had an equal voice with the rest in forming?

In the second place, if it be objected that the analogy is faulty, since the governing body of a nation, to which, as protector of the national life and interests, all must submit under penalty of social disorganization, has a far higher authority over citizens than the government of any private organization can have over its members; then the reply is that, granting the difference, the answer made continues valid. If men use their liberty in such a way as to surrender their liberty, are they thereafter any the less slaves? If people by a *plébiscite* elect a man despot over them, do they remain free because the despotism was of their own making? Are the coercive edicts issued by him to be regarded as legitimate because they are the ultimate outcome of their own votes? As well might it be argued that the East African, who breaks a spear in another's presence that he may so become bondsman to him, still retains his liberty because he freely chose his master.

Finally if any, not without marks of irritation as I can imagine, repudiate this reasoning, and say that there is no true parallelism between the relation of people to government where an irresponsible

single ruler has been permanently elected, and the relation where a responsible representative body is maintained, and from time to time re-elected; then there comes the ultimate reply—an altogether heterodox reply—by which most will be greatly astonished. This reply is, that these multitudinous restraining acts are not defensible on the ground that they proceed from a popularly-chosen body; for that the authority of a popularly-chosen body is no more to be regarded as an unlimited authority than the authority of a monarch; and that as true Liberalism in the past disputed the assumption of a monarch's unlimited authority, so true Liberalism in the present will dispute the assumption of unlimited parliamentary authority. Of this, however, more anon. Here I merely indicate it as an ultimate answer.

Meanwhile it suffices to point out that until recently, just as of old, true Liberalism was shown by its acts to be moving towards the theory of a limited parliamentary authority. All these abolitions of restraints over religious beliefs and observances, over exchange and transit, over trade-combinations and the travelling of artisans, over the publication of opinions, theological or political, &c., &c., were tacit assertions of the desirableness of limitation. In the same way that the abandonment of sumptuary laws, of laws forbidding this or that kind of amusement, of laws dictating modes of farming, and many others of like meddling nature, which took place in early days, was an implied admission that the State ought not to interfere in such matters; so those removals of hindrances to individual activities of one or other kind, which the Liberalism of the last generation effected, were practical confessions that in these directions, too, the sphere of governmental action should be narrowed. And this recognition of the propriety of restricting governmental action was a preparation for restricting it in theory. One of the most familiar political truths is that, in the course of social evolution, usage precedes law; and that when usage has been well established it becomes law by receiving authoritative endorsement and defined form. Manifestly then, Liberalism in the past, by its practice of limitation, was preparing the way for the principle of limitation.

But returning from these more general considerations to the special question, I emphasize the reply that the liberty which a citizen enjoys is to be measured, not by the nature of the governmental machinery he lives under, whether representative or other,

but by the relative paucity of the restraints it imposes on him; and that, whether this machinery is or is not one that he has shared in making, its actions are not of the kind proper to Liberalism if they increase such restraints beyond those which are needful for preventing him from directly or indirectly aggressing on his fellows—needful, that is, for maintaining the liberties of his fellows against his invasions of them: restraints which are, therefore, to be distinguished as negatively coercive, not positively coercive.

Probably, however, the Liberal, and still more the sub-species Radical, who more than any other in these latter days seems under the impression that so long as he has a good end in view he is warranted in exercising over men all the coercion he is able, will continue to protest. Knowing that his aim is popular benefit of some kind, to be achieved in some way, and believing that the Tory is, contrariwise, prompted by class-interest and the desire to maintain class-power, he will regard it as palpably absurd to group him as one of the same genus, and will scorn the reasoning used to prove that he belongs to it.

Perhaps an analogy will help him to see its validity. If, away in the far East, where personal government is the only form of government known, he heard from the inhabitants an account of a struggle by which they had deposed a cruel and vicious despot, and put in his place one whose acts proved his desire for their welfare—if, after listening to their self-gratulatious, he told them that they had not essentially changed the nature of their government, he would greatly astonish them; and probably he would have difficulty in making them understand that the substitution of a benevolent despot for a malevolent despot, still left the government a despotism. Similarly with Toryism as rightly conceived. Standing as it does for coercion by the State *versus* the freedom of the individual, Toryism remains Toryism, whether it extends this coercion for selfish or unselfish reasons. As certainly as the despot is still a despot, whether his motives for arbitrary rule are good or bad; so certainly is the Tory still a Tory, whether he has egoistic or altruistic motives for using State-power to restrict the liberty of the citizen, beyond the degree required for maintaining the liberties of other citizens. The altruistic Tory as well as the egoistic Tory belongs to the genus Tory; though he forms a new species of the

genus. And both stand in distinct contrast with the Liberal as defined in the days when Liberals were rightly so called, and when the definition was—"one who advocates greater freedom from restraint, especially in political institutions."

Thus, then, is justified the paradox I set out with. As we have seen, Toryism and Liberalism originally emerged, the one from militancy and the other from industrialism. The one stood for the *régime* of status and the other for the *régime* of contract—the one for that system of compulsory co-operation which accompanies the legal inequality of classes, and the other for that voluntary co-operation which accompanies their legal equality; and beyond all question the early acts of the two parties were respectively for the maintenance of agencies which effect this compulsory co-operation, and for the weakening or curbing of them. Manifestly the implication is that, in so far as it has been extending the system of compulsion, what is now called Liberalism is a new form of Toryism.

How truly this is so, we shall see still more clearly on looking at the facts the other side upwards, which we will presently do.

NOTE.—By sundry newspapers which noticed this article when it was originally published, the meaning of the above paragraphs was supposed to be that Liberals and Tories have changed places. This, however, is by no means the implication. A new species of Tory may arise without disappearance of the original species. When saying, as on page 8, that in our days "Conservatives and Liberals vie with one another in multiplying" interferences, I clearly implied the belief that while Liberals have taken to coercive legislation, Conservatives have not abandoned it. Nevertheless, it is true that the laws made by Liberals are so greatly increasing the compulsions and restraints exercised over citizens, that among Conservatives who suffer from this aggressiveness there is growing up a tendency to resist it. Proof is furnished by the fact that the "Liberty and Property Defence League," largely consisting of Conservatives, has taken for its motto "Individualism *versus* Socialism." So that if the present drift of things continues, it may by and by really happen that the Tories will be defenders of liberties which the Liberals, in pursuit of what they think popular welfare, trample under foot.

THE COMING SLAVERY.

The kinship of pity to love is shown among other ways in this, that it idealizes its object. Sympathy with one in suffering suppresses, for the time being, remembrance of his transgressions. The feeling which vents itself in "poor follow!" on seeing one in agony, excludes the thought of "bad fellow," which might at another time arise. Naturally, then, if the wretched are unknown or but vaguely known, all the demerits they may have are ignored; and thus it happens that when, as just now, the miseries of the poor are depicted, they are thought of as the miseries of the deserving poor, instead of being thought of, as in large measure they should be, as the miseries of the undeserving poor. Those whose hardships are set forth in pamphlets and proclaimed in sermons and speeches which echo throughout society, are assumed to be all worthy souls, grievously wronged; and none of them are thought of as bearing the penalties of their own misdeeds.

On hailing a cab in a London street, it is surprising how frequently the door is officiously opened by one who expects to get something for his trouble. The surprise lessens after counting the many loungers about tavern-doors, or after observing the quickness with which a street-performance, or procession, draws from neighbouring slums and stable-yards a group of idlers. Seeing how numerous they are in every small area, it becomes manifest that tens of thousands of such swarm through London. "They have no work," you say. Say rather that they either refuse work or quickly turn themselves out of it. They are simply good-for-nothings, who in one way or other live on the good-for-somethings—vagrants and sots, criminals and those on the way to crime, youths who are burdens on hard-worked parents,

men who appropriate the wages of their wives, fellows who share the gains of prostitutes; and then, less visible and less numerous, there is a corresponding class of women.

Is it natural that happiness should be the lot of such? or is it natural that they should bring unhappiness on themselves and those connected with them? Is it not manifest that there must exist in our midst an immense amount of misery which is a normal result of misconduct, and ought not to be dissociated from it? There is a notion, always more or less prevalent and just now vociferously expressed, that all social suffering is removable, and that it is the duty of somebody or other to remove it. Both these beliefs are false. To separate pain from ill-doing is to fight against the constitution of things, and will be followed by far more pain. Saving men from the natural penalties of dissolute living, eventually necessitates the infliction of artificial penalties in solitary cells, on tread-wheels, and by the lash. I suppose a dictum, on which the current creed and the creed of science are at one, may be considered to have as high an authority as can be found. Well, the command "if any would not work neither should he eat," is simply a Christian enunciation of that universal law of Nature under which life has reached its present height—the law that a creature not energetic enough to maintain itself must die: the sole difference being that the law which in the one case is to be artificially enforced, is, in the other case, a natural necessity. And yet this particular tenet of their religion which science so manifestly justifies, is the one which Christians seem least inclined to accept. The current assumption is that there should be no suffering, and that society is to blame for that which exists.

"But surely we are not without responsibilities, even when the suffering is that of the unworthy?"

If the meaning of the word "we" be so expanded as to include with ourselves our ancestors, and especially our ancestral legislators, I agree. I admit that those who made, and modified, and administered, the old Poor Law, were responsible for producing an appalling amount of demoralization, which it will take more than one generation to remove. I admit, too, the partial responsibility of recent and present law-makers for regulations which have brought into being a permanent body of tramps, who ramble from union to union; and also their responsibility for maintaining a constant supply of felons by sending back convicts

into society under such conditions that they are almost compelled again to commit crimes. Moreover, I admit that the philanthropic are not without their share of responsibility; since, that they may aid the offspring of the unworthy, they disadvantage the offspring of the worthy through burdening their parents by increased local rates. Nay, I even admit that these swarms of good-for-nothings, fostered and multiplied by public and private agencies, have, by sundry mischievous meddlings, been made to suffer more than they would otherwise have suffered. Are these the responsibilities meant? I suspect not.

But now, leaving the question of responsibilities, however conceived, and considering only the evil itself, what shall we say of its treatment? Let me begin with a fact.

A late uncle of mine, the Rev. Thomas Spencer, for some twenty years incumbent of Hinton Charterhouse, near Bath, no sooner entered on his parish duties than he proved himself anxious for the welfare of the poor, by establishing a school, a library, a clothing club, and land-allotments, besides building some model cottages. Moreover, up to 1833 he was a pauper's friend—always for the pauper against the overseer. There presently came, however, the debates on the Poor Law, which impressed him with the evils of the system then in force. Though an ardent philanthropist he was not a timid sentimentalist. The result was that, immediately the new Poor Law was passed, he proceeded to carry out its provisions in his parish. Almost universal opposition was encountered by him: not the poor only being his opponents, but even the farmers on whom came the burden of heavy poor-rates. For, strange to say, their interests had become apparently identified with the maintenance of this system which taxed them so largely. The explanation is that there had grown up the practice of paying out of the rates a part of the wages of each farm-servant—"make-wages," as the sum was called. And though the farmers contributed most of the fund from which "make-wages" were paid, yet, since all other ratepayers contributed, the farmers seemed to gain by the arrangement. My uncle, however, not easily deterred, faced all this opposition and enforced the law. The result was that in two years the rates were reduced from £700 a year to £200 a year; while the condition of the parish was greatly improved. "Those who had hitherto loitered at the corners of

the streets, or at the doors of the beer-shops, had something else to do, and one after another they obtained employment;" so that out of a population of 800, only 15 had to be sent as incapable paupers to the Bath Union (when that was formed), in place of the 100 who received out-door relief a short time before. If it be said that the £20 telescope which, a few years after, his parishioners presented to my uncle, marked only the gratitude of the ratepayers; then my reply is the fact that when, some years later still, having killed himself by overwork in pursuit of popular welfare, he was taken to Hinton to be buried, the procession which followed him to the grave included not the well-to-do only but the poor.

Several motives have prompted this brief narrative. One is the wish to prove that sympathy with the people and self-sacrificing efforts on their behalf, do not necessarily imply approval of gratuitous aids. Another is the desire to show that benefit may result, not from multiplication of artificial appliances to mitigate distress, but, contrariwise, from diminution of them. And a further purpose I have in view is that of preparing the way for an analogy.

Under another form and in a different sphere, we are now yearly extending a system which is identical in nature with the system of "make-wages" under the old Poor Law. Little as politicians recognize the fact, it is nevertheless demonstrable that these various public appliances for working-class comfort, which they are supplying at the cost of ratepayers, are intrinsically of the same nature as those which, in past times, treated the farmer's man as half-labourer and half-pauper. In either case the worker receives in return for what he does, money wherewith to buy certain of the things he wants; while, to procure the rest of them for him, money is furnished out of a common fund raised by taxes. What matters it whether the things supplied by ratepayers for nothing, instead of by the employer in payment, are of this kind or that kind? the principle is the same. For sums received let us substitute the commodities and benefits purchased; and then see how the matter stands. In old Poor-Law times, the farmer gave for work done the equivalent, say of house-rent, bread, clothes, and fire; while the ratepayers practically supplied the man and his family with their shoes, tea, sugar, candles, a little bacon, &c. The division is, of course, arbitrary; but unquestionably the farmer and the ratepapers furnished these things between them. At the

present time the artisan receives from his employer in wages, the equivalent of the consumable commodities he wants; while from the public comes satisfaction for others of his needs and desires. At the cost of ratepayers he has in some cases, and will presently have in more, a house at less than its commercial value; for of course when, as in Liverpool, a municipality spends nearly £200,000 in pulling down and reconstructing low-class dwellings, and is about to spend as much again, the implication is that in some way the ratepayers supply the poor with more accommodation than the rents they pay would otherwise have brought. The artisan further receives from them, in schooling for his children, much more than he pays for; and there is every probability that he will presently receive it from them gratis. The ratepayers also satisfy what desire he may have for books and newspapers, and comfortable places to read them in. In some cases too, as in Manchester, gymnasia for his children of both sexes, as well as recreation grounds, are provided. That is to say, he obtains from a fund raised by local taxes, certain benefits beyond those which the sum received for his labour enables him to purchase. The sole difference, then, between this system and the old system of "make-wages," is between the kinds of satisfactions obtained; and this difference does not in the least affect the nature of the arrangement.

Moreover, the two are pervaded by substantially the same illusion. In the one case, as in the other, what looks like a gratis benefit is not a gratis benefit. The amount which, under the old Poor Law, the half-pauperized labourer received from the parish to eke out his weekly income, was not really, as it appeared, a bonus; for it was accompanied by a substantially-equivalent decrease of his wages, as was quickly proved when the system was abolished and the wages rose. Just so is it with these seeming boons received by working people in towns. I do not refer only to the fact that they unawares pay in part through the raised rents of their dwellings (when they are not actual ratepayers); but I refer to the fact that the wages received by them are, like the wages of the farm-labourer, diminished by these public burdens falling on employers. Read the accounts coming of late from Lancashire concerning the cotton-strike, containing proofs, given by artisans themselves, that the margin of profit is so narrow that the less skilful manufacturers, as well as those with deficient capital, fail, and that the companies

of co-operators who compete with them can rarely hold their own; and then consider what is the implication respecting wages. Among the costs of production have to be reckoned taxes, general and local. If, as in our large towns, the local rates now amount to one-third of the rental or more—if the employer has to pay this, not on his private dwelling only, but on his business-premises, factories, warehouses, or the like; it results that the interest on his capital must be diminished by that amount, or the amount must be taken from the wages-fund, or partly one and partly the other. And if competition among capitalists in the same business and in other businesses, has the effect of so keeping down interest that while some gain others lose, and not a few are ruined—if capital, not getting adequate interest, flows elsewhere and leaves labour unemployed; then it is manifest that the choice for the artisan under such conditions, lies between diminished amount of work or diminished rate of payment for it. Moreover, for kindred reasons these local burdens raise the costs of the things he consumes. The charges made by distributors are, on the average, determined by the current rates of interest on capital used in distributing businesses; and the extra costs of carrying on such businesses have to be paid for by extra prices. So that as in the past the rural worker lost in one way what he gained in another, so in the present does the urban worker: there being, too, in both cases, the loss entailed on him by the cost of administration and the waste accompanying it.

"But what has all this to do with 'the coming slavery'?" will perhaps be asked. Nothing directly, but a good deal indirectly, as we shall see after yet another preliminary section.

It is said that when railways were first opened in Spain, peasants standing on the tracks were not unfrequently run over; and that the blame fell on the engine-drivers for not stopping: rural experiences having yielded no conception of the momentum of a large mass moving at a high velocity.

The incident is recalled to me on contemplating the ideas of the so-called "practical" politician, into whose mind there enters no thought of such a thing as political momentum, still less of a political momentum which, instead of diminishing or remaining constant, increases. The theory on which he daily proceeds is that the change caused by his measure will stop where he intends it to

stop. He contemplates intently the things his act will achieve, but thinks little of the remoter issues of the movement his act sets up, and still less its collateral issues. When, in war-time, "food for powder" was to be provided by encouraging population—when Mr. Pitt said, "Let us make relief in cases where there are a number of children a matter of right and honour, instead of a ground for opprobrium and contempt;"* it was not expected that the poor-rates would be quadrupled in fifty years, that women with many bastards would be preferred as wives to modest women, because of their incomes from the parish, and that hosts of ratepayers would be pulled down into the ranks of pauperism. Legislators who in 1833 voted £20,000 a year to aid in building school-houses, never supposed that the step they then took would lead to forced contributions, local and general, now amounting to £6,000,000; they did not intend to establish the principle that A should be made responsible for educating B's offspring; they did not dream of a compulsion which would deprive poor widows of the help of their elder children; and still less did they dream that their successors, by requiring impoverished parents to apply to Boards of Guardians to pay the fees which School Boards would not remit, would initiate a habit of applying to Boards of Guardians and so cause pauperization.† Neither did those who in 1834 passed an Act regulating the labour of women and children in certain factories, imagine that the system they were beginning would end in the restriction and inspection of labour in all kinds of producing establishments where more than fifty people are employed; nor did they conceive that the inspection provided would grow to the extent of requiring that before a "young person" is employed in a factory, authority must be given by a certifying surgeon, who, by personal examination (to which no limit is placed) has satisfied himself that there is no incapacitating disease or bodily infirmity: his verdict determining whether the "young person" shall earn wages or not.‡ Even less, as I say, does the politician who plumes himself on the practicalness of his aims, conceive the indirect results which will follow the direct results of his measures. Thus, to take a case connected with one named above, it was not intended through the system of "payment by results," to do anything more than give teachers an

* Hansard's *Parliamentary History*, 32, p. 710.

† *Fortnightly Review*, January, 1884, p. 17.

‡ Factories and Workshops Act, 41 and 42 Vic. cap. 16.

efficient stimulus: it was not supposed that in numerous cases their health would give way under the stimulus; it was not expected that they would be led to adopt a cramming system and to put undue pressure on dull and weak children, often to their great injury; it was not foreseen that in many cases a bodily enfeeblement would be caused which no amount of grammar and geography can compensate for. The licensing of public-houses was simply for maintaining public order: those who devised it never imagined that there would result an organized interest powerfully influencing elections in an unwholesome way. Nor did it occur to the "practical" politicians who provided a compulsory load-line for merchant vessels, that the pressure of shipowners' interests would habitually cause the putting of the load-line at the very highest limit, and that from precedent to precedent, tending ever in the same direction, the load-line would gradually rise in the better class of ships; as from good authority I learn that it has already done. Legislators who, some forty years ago, by Act of Parliament compelled railway-companies to supply cheap locomotion, would have ridiculed the belief, had it been expressed, that eventually their Act would punish the companies which improved the supply; and yet this was the result to companies which began to carry third-class passengers by fast trains; since a penalty to the amount of the passenger-duty was inflicted on them for every third-class passenger so carried. To which instance concerning railways, add a far more striking one disclosed by comparing the railway policies of England and France. The law-makers who provided for the ultimate lapsing of French railways to the State, never conceived the possibility that inferior travelling facilities would result—did not foresee that reluctance to depreciate the value of property eventually coming to the State, would negative the authorization of competing lines, and that in the absence of competing lines locomotion would be relatively costly, slow, and infrequent; for, as Sir Thomas Farrer has lately shown, the traveller in England has great advantages over the French traveller in the economy, swiftness, and frequency with which his journeys can be made.

But the "practical" politician who, in spite of such experiences repeated generation after generation, goes on thinking only of proximate results, naturally never thinks of results still more remote, still more general, and still more important than those just

exemplified. To repeat the metaphor used above—he never asks whether the political momentum set up by his measure, in some cases decreasing but in other cases greatly increasing, will or will not have the same general direction with other like momenta; and whether it may not join them in presently producing an aggregate energy working changes never thought of. Dwelling only on the effects of his particular stream of legislation, and not observing how other such streams already existing, and still other streams which will follow his initiative, pursue the same average course, it never occurs to him that they may presently unite into a voluminous flood utterly changing the face of things. Or to leave figures for a more literal statement, he is unconscious of the truth that he is helping to form a certain type of social organization, and that kindred measures, effecting kindred changes of organization, tend with ever-increasing force to make that type general; until, passing a certain point, the proclivity towards it becomes irresistible. Just as each society aims when possible to produce in other societies a structure akin to its own—just as among the Greeks, the Spartans and the Athenians struggled to spread their respective political institutions, or as, at the time of the French Revolution, the European absolute monarchies aimed to re-establish absolute monarchy in France while the Republic encouraged the formation of other republics; so within every society, each species of structure tends to propagate itself. Just as the system of voluntary co-operation by companies, associations, unions, to achieve business ends and other ends, spreads throughout a community; so does the antagonistic system of compulsory co-operation under State-agencies spread; and the larger becomes its extension the more power of spreading it gets. The question of questions for the politician should ever be—"What type of social structure am I tending to produce?" But this is a question he never entertains.

Here we will entertain it for him. Let us now observe the general course of recent changes, with the accompanying current of ideas, and see whither they are carrying us.

The blank form of a question daily asked is—"We have already done this; why should we not do that?" And the regard for precedent suggested by it, is ever pushing on regulative legislation. Having had brought within their sphere of operation more and

more numerous businesses, the Acts restricting hours of employment and dictating the treatment of workers are now to be made applicable to shops. From inspecting lodging-houses to limit the numbers of occupants and enforce sanitary conditions, we have passed to inspecting all houses below a certain rent in which there are members of more than one family, and are now passing to a kindred inspection of all small houses.* The buying and working of telegraphs by the State is made a reason for urging that the State should buy and work the railways. Supplying children with food for their minds by public agency is being followed in some cases by supplying food for their bodies; and after the practice has been made gradually more general, we may anticipate that the supply, now proposed to be made gratis in the one case, will eventually be proposed to be made gratis in the other: the argument that good bodies as well as good minds are needful to make good citizens, being logically urged as a reason for the extension.† And then, avowedly proceeding on the precedents furnished by the church, the school, and the reading-room, all publicly provided, it is contended that "pleasure, in the sense it is now generally admitted, needs legislating for and organizing at least as much as work."‡

Not precedent only prompts this spread, but also the necessity which arises for supplementing ineffective measures, and for dealing with the artificial evils continually caused. Failure does not destroy faith in the agencies employed, but merely suggests more stringent use of such agencies or wider ramifications of them. Laws to check intemperance, beginning in early times and coming down to our own times, when further restraints on the sale of intoxicating liquors occupy nights every session, not having done what was expected, there come demands for more thorough-going laws, locally preventing the sale altogether; and here, as in America, these will doubtless be followed by demands that prevention shall be made universal. All the many appliances for

* See letter of Local Government Board, *Times*, January 2, 1884.

† Verification comes more promptly than I expected. This article has been standing in type since January 30, and in the interval, namely on March 13 [the article was published on April 1], the London School Board resolved to apply for authority to use local charitable funds for supplying gratis meals and clothing to indigent children. Presently the definition of "indigent" will be widened; more children will be included, and more funds asked for.

‡ *Fortnightly Review*, January, 1884, p. 21.

"stamping out" epidemic diseases not having succeeded in preventing outbreaks of small-pox, fevers, and the like, a further remedy is applied for in the shape of police-power to search houses for diseased persons, and authority for medical officers to examine any one they think fit, to see whether he or she is suffering from an infectious or contagious malady. Habits of improvidence having for generations been cultivated by the Poor-Law, and the improvident enabled to multiply, the evils produced by compulsory charity are now proposed to be met by compulsory insurance.

The extension of this policy, causing extension of corresponding ideas, fosters everywhere the tacit assumption that Government should step in whenever anything is not going right. "Surely you would not have this misery continue!" exclaims some one, if you hint a demurrer to much that is now being said and done. Observe what is implied by this exclamation. It takes for granted, first, that all suffering ought to be prevented, which is not true: much suffering is curative, and prevention of it is prevention of a remedy. In the second place, it takes for granted that every evil can be removed: the truth being that with the existing defects of human nature, many evils can only be thrust out of one place or form into another place or form—often being increased by the change. The exclamation also implies the unhesitating belief, here especially concerning us, that evils of all kinds should be dealt with by the State. There does not occur the inquiry whether there are at work other agencies capable of dealing with evils, and whether the evils in question may not be among those which are best dealt with by these other agencies. And obviously, the more numerous governmental interventions become, the more confirmed does this habit of thought grow, and the more loud and perpetual the demands for intervention.

Every extension of the regulative policy involves an addition to the regulative agents—a further growth of officialism and an increasing power of the organization formed of officials. Take a pair of scales with many shot in the one and a few in the other. Lift shot after shot out of the loaded scale and put it into the unloaded scale. Presently you will produce a balance; and if you go on, the position of the scales will be reversed. Suppose the beam to be unequally divided, and let the lightly loaded scale be at the end of a very long arm; then the transfer of each shot, producing a much greater effect, will far sooner bring about a change

of position. I use the figure to illustrate what results from transferring one individual after another from the regulated mass of the community to the regulating structures. The transfer weakens the one and strengthens the other in a far greater degree than is implied by the relative change of numbers. A comparatively small body of officials, coherent, having common interests, and acting under central authority, has an immense advantage over an incoherent public which has no settled policy, and can be brought to act unitedly only under strong provocation. Hence an organization of officials, once passing a certain stage of growth, becomes less and less resistible; as we see in the bureaucracies of the Continent.

Not only does the power of resistance of the regulated part decrease in a geometrical ratio as the regulating part increases, but the private interests of many in the regulated part itself, make the change of ratio still more rapid. In every circle conversations show that now, when the passing of competitive examinations renders them eligible for the public service, youths are being educated in such ways that they may pass them and get employment under Government. One consequence is that men who might otherwise reprobate some further growth of officialism, are led to look on it with tolerance, if not favourably, as offering possible careers for those dependent on them and those related to them. Any one who remembers the numbers of upper-class and middle-class families anxious to place their children, will see that no small encouragement to the spread of legislative control is now coming from those who, but for the personal interests thus arising, would be hostile to it.

This pressing desire for careers is enforced by the preference for careers which are thought respectable. "Even if his salary is small, his occupation will be that of a gentleman," thinks the father, who wants to get a Government-clerkship for his son. And this relative dignity of State-servants as compared with those occupied in business, increases as the administrative organization becomes a larger and more powerful element in society, and tends more and more to fix the standard of honour. The prevalent ambition with a young Frenchman is to get some small official post in his locality, to rise thence to a place in the local centre of government, and finally to reach some head office in Paris. And in Russia, where that universality of State-regulation which charac-

terizes the militant type of society has been carried furthest, we see this ambition pushed to its extreme. Says Mr. Wallace, quoting a passage from a play:—"All men, even shopkeepers and cobblers, aim at becoming officers, and the man who has passed his whole life without official rank seems to be not a human being."*

These various influences working from above downwards meet with an increasing response of expectations and solicitations proceeding from below upwards. The hard-worked and over-burdened who form the great majority, and still more the incapables perpetually helped who are ever led to look for more help, are ready supporters of schemes which promise them this or the other benefit by State agency, and ready believers of those who tell them that such benefits can be given, and ought to be given. They listen with eager faith to all builders of political air-castles, from Oxford graduates down to Irish irreconcilables; and every additional tax-supported appliance for their welfare raises hopes of further ones. Indeed the more numerous public instrumentalities become, the more is there generated in citizens the notion that everything is to be done for them, and nothing by them. Each generation is made less familiar with the attainment of desired ends by individual actions or private combinations, and more familiar with the attainment of them by governmental agencies; until, eventually, governmental agencies come to be thought of as the only available agencies. This result was well shown in the recent Trades-Unions Congress at Paris. The English delegates, reporting to their constituents, said that between themselves and their foreign colleagues "the point of difference was the extent to which the State should be asked to protect labour:" reference being thus made to the fact, conspicuous in the reports of the proceedings, that the French delegates always invoked governmental power as the only means of satisfying their wishes.

The diffusion of education has worked, and will work still more, in the same direction. "We must educate our masters," is the well-known saying of a Liberal who opposed the last extension of the franchise. Yes, if the education were worthy to be so called, and were relevant to the political enlightenment needed, much might be hoped from it. But knowing rules of syntax, being able to add up correctly, having geographical information, and a memory stocked with the dates of kings' accessions and generals'

* *Russia*, i. 422.

victories, no more implies fitness to form political conclusions than acquirement of skill in drawing implies expertness in telegraphing, or than ability to play cricket implies proficiency on the violin. "Surely," rejoins some one, "facility in reading opens the way to political knowledge." Doubtless; but will the way be followed? Table-talk proves that nine out of ten people read what amuses them or interests them rather than what instructs them; and that the last thing they read is something which tells them disagreeable truths or dispels groundless hopes. That popular education results in an extensive reading of publications which foster pleasant illusions rather than of those which insist on hard realities, is beyond question. Says "A Mechanic," writing in the *Pall Mall Gazette* of December 3, 1883:—

> "Improved education instils the desire for culture—culture instils the desire for many things as yet quite beyond working men's reach . . . . in the furious competition to which the present age is given up they are utterly impossible to the poorer classes; hence they are discontented with things as they are, and the more educated the more discontented. Hence, too, Mr. Ruskin and Mr. Morris are regarded as true prophets by many of us."

And that the connexion of cause and effect here alleged is a real one, we may see clearly enough in the present state of Germany.

Being possessed of electoral power, as are now the mass of those who are thus led to nurture sanguine anticipations of benefits to be obtained by social reorganization, it results that whoever seeks their votes must at least refrain from exposing their mistaken beliefs; even if he does not yield to the temptation to express agreement with them. Every candidate for Parliament is prompted to propose or support some new piece of *ad captandum* legislation. Nay, even the chiefs of parties—these anxious to retain office and those to wrest it from them—severally aim to get adherents by outbidding one another. Each seeks popularity by promising more than his opponent has promised, as we have lately seen. And then, as divisions in Parliament show us, the traditional loyalty to leaders overrides questions concerning the intrinsic propriety of proposed measures. Representatives are unconscientious enough to vote for Bills which they believe to be wrong in principle, because party-needs and regard for the next election demand it. And thus a vicious policy is strengthened even by those who see its viciousness.

Meanwhile there goes on out-of-doors an active propaganda to which all these influences are ancillary. Communistic theories, partially indorsed by one Act of Parliament after another, and tacitly if not avowedly favoured by numerous public men seeking supporters, are being advocated more and more vociferously under one or other form by popular leaders, and urged on by organized societies. There is the movement for land-nationalization which, aiming at a system of land-tenure equitable in the abstract, is, as all the world knows, pressed by Mr. George and his friends with avowed disregard for the just claims of existing owners, and as the basis of a scheme going more than half-way to State-socialism. And then there is the thorough-going Democratic Federation of Mr. Hyndman and his adherents. We are told by them that "the handful of marauders who now hold possession [of the land] have and can have no right save brute force against the tens of millions whom they wrong." They exclaim against "the shareholders who have been allowed to lay hands upon (!) our great railway communications." They condemn "above all, the active capitalist class, the loan-mongers, the farmers, the mine exploiters, the contractors, the middle-men, the factory-lords—these, the modern slave drivers" who exact "more and yet more surplus value out of the wage-slaves whom they employ." And they think it "high time" that trade should be "removed from the control of individual greed."*

It remains to point out that the tendencies thus variously displayed, are being strengthened by press-advocacy, daily more pronounced. Journalists, always chary of saying that which is distasteful to their readers, are some of them going with the stream and adding to its force. Legislative meddlings which they would once have condemned they now pass in silence, if they do not advocate them; and they speak of *laissez-faire* as an exploded doctrine. "People are no longer frightened at the thought of socialism," is the statement which meets us one day. On another day, a town which does not adopt the Free Libraries Act is sneered at as being alarmed by a measure so moderately communistic. And then, along with editorial assertions that this economic evolution is coming and must be accepted, there is prominence given to the contributions of its advocates. Meanwhile those who regard the recent course of legislation as disastrous, and see that its future

* *Socialism made Plain.* Reeves, 185, Fleet Street.

course is likely to be still more disastrous, are being reduced to silence by the belief that it is useless to reason with people in a state of political intoxication.

See, then, the many concurrent causes which threaten continually to accelerate the transformation now going on. There is that spread of regulation caused by following precedents, which become the more authoritative the further the policy is carried. There is that increasing need for administrative compulsions and restraints, which results from the unforeseen evils and shortcomings of preceding compulsions and restraints. Moreover, every additional State-interference strengthens the tacit assumption that it is the duty of the State to deal with all evils and secure all benefits. Increasing power of a growing administrative organization is accompanied by decreasing power of the rest of the society to resist its further growth and control. The multiplication of careers opened by a developing bureaucracy, tempts members of the classes regulated by it to favour its extension, as adding to the chances of safe and respectable places for their relatives. The people at large, led to look on benefits received through public agencies as gratis benefits, have their hopes continually excited by the prospects of more. A spreading education, furthering the diffusion of pleasing errors rather than of stern truths, renders such hopes both stronger and more general. Worse still, such hopes are ministered to by candidates for public choice, to augment their chances of success; and leading statesmen, in pursuit of party ends, bid for popular favour by countenancing them. Getting repeated justifications from new laws harmonizing with their doctrines, political enthusiasts and unwise philanthropists push their agitations with growing confidence and success. Journalism, ever responsive to popular opinion, daily strengthens it by giving it voice; while counter-opinion, more and more discouraged, finds little utterance.

Thus influences of various kinds conspire to increase corporate action and decrease individual action. And the change is being on all sides aided by schemers, each of whom thinks only of his pet project and not at all of the general re-organization which his, joined with others such, are working out. It is said that the French Revolution devoured its own children. Here an analogous catastrophe seems not unlikely. The numerous socialistic changes made by Act of Parliament, joined with the numerous others presently to be made, will by-and-by be all merged in State-

Socialism—swallowed in the vast wave which they have little by little raised.

"But why is this change described as 'the coming slavery'?" is a question which many will still ask. The reply is simple. All socialism involves slavery.

What is essential to the idea of a slave? We primarily think of him as one who is owned by another. To be more than nominal, however, the ownership must be shown by control of the slave's actions—a control which is habitually for the benefit of the controller. That which fundamentally distinguishes the slave is that he labours under coercion to satisfy another's desires. The relation admits of sundry gradations. Remembering that originally the slave is a prisoner whose life is at the mercy of his captor, it suffices here to note that there is a harsh form of slavery in which, treated as an animal, he has to expend his entire effort for his owner's advantage. Under a system less harsh, though occupied chiefly in working for his owner, he is allowed a short time in which to work for himself, and some ground on which to grow extra food. A further amelioration gives him power to sell the produce of his plot and keep the proceeds. Then we come to the still more moderated form which commonly arises where, having been a free man working on his own land, conquest turns him into what we distinguish as a serf; and he has to give to his owner each year a fixed amount of labour or produce, or both: retaining the rest himself. Finally, in some cases, as in Russia until recently, he is allowed to leave his owner's estate and work or trade for himself elsewhere, under the condition that he shall pay an annual sum. What is it which, in these cases, leads us to qualify our conception of the slavery as more or less severe? Evidently the greater or smaller extent to which effort is compulsorily expended for the benefit of another instead of for self-benefit. If all the slave's labour is for his owner the slavery is heavy, and if but little it is light. Take now a further step. Suppose an owner dies, and his estate with its slaves comes into the hands of trustees; or suppose the estate and everything on it to be bought by a company; is the condition of the slave any the better if the amount of his compulsory labour remains the same? Suppose that for a company we substitute the community; does it make any difference to the slave if the time he has to work for

others is as great, and the time left for himself is as small, as before? The essential question is—How much is he compelled to labour for other benefit than his own, and how much can he labour for his own benefit? The degree of his slavery varies according to the ratio between that which he is forced to yield up and that which he is allowed to retain; and it matters not whether his master is a single person or a society. If, without option, he has to labour for the society, and receives from the general stock such portion as the society awards him, he becomes a slave to the society. Socialistic arrangements necessitate an enslavement of this kind; and towards such an enslavement many recent measures, and still more the measures advocated, are carrying us. Let us observe, first, their proximate effects, and then their ultimate effects.

The policy initiated by the Industrial Dwellings Acts admits of development, and will develop. Where municipal bodies turn house-builders, they inevitably lower the values of houses otherwise built, and check the supply of more. Every dictation respecting modes of building and conveniences to be provided, diminishes the builder's profit, and prompts him to use his capital where the profit is not thus diminished. So, too, the owner, already finding that small houses entail much labour and many losses—already subject to troubles of inspection and interference, and to consequent costs, and having his property daily rendered a more undesirable investment, is prompted to sell; and as buyers are for like reasons deterred, he has to sell at a loss. And now these still-multiplying regulations, ending, it may be, as Lord Grey proposes, in one requiring the owner to maintain the salubrity of his houses by evicting dirty tenants, and thus adding to his other responsibilities that of inspector of nuisances, must further prompt sales and further deter purchasers: so necessitating greater depreciation. What must happen? The multiplication of houses, and especially small houses, being increasingly checked, there must come an increasing demand upon the local authority to make up for the deficient supply. More and more the municipal or kindred body will have to build houses, or to purchase houses rendered unsaleable to private persons in the way shown—houses which, greatly lowered in value as they must become, it will, in many cases, pay to buy rather than to build new ones. Nay, this process must work in a double way; since every entailed increase of local

taxation still further depreciates property.* And then, when in towns this process has gone so far as to make the local authority the chief owner of houses, there will be a good precedent for publicly providing houses for the rural population, as proposed in the Radical programme,† and as urged by the Democratic Federation; which insists on "the compulsory construction of healthy artisans' and agricultural labourers' dwellings in proportion to the population." Manifestly, the tendency of that which has been done, is being done, and is presently to be done, is to approach the socialistic ideal in which the community is sole house-proprietor.

Such, too, must be the effect of the daily-growing policy on the tenure and utilization of the land. More numerous public benefits, to be achieved by more numerous public agencies, at the cost of augmented public burdens, must increasingly deduct from the returns on land; until, as the depreciation in value becomes greater and greater, the resistance to change of tenure becomes less and less. Already, as every one knows, there is in many places difficulty in obtaining tenants, even at greatly reduced rents; and land of inferior fertility in some cases lies idle, or when farmed by the owner is often farmed at a loss. Clearly the profit on capital invested in land is not such that taxes, local and general, can be greatly raised to support extended public administrations, without an absorption of it which will prompt owners to sell, and make the best of what reduced price they can get by emigrating and buying land not subject to heavy burdens; as, indeed, some are now doing. This process, carried far, must have the result of throwing inferior land out of cultivation; after which there will be raised more generally

* If any one thinks such fears are groundless, let him contemplate the fact that from 1867–8 to 1880–1, our annual local expenditure for the United Kingdom has grown from £36,132,834 to £63,276,283; and that during the same 13 years, the municipal expenditure in England and Wales alone, has grown from 13 millions to 30 millions a year! How the increase of public burdens will join with other causes in bringing about public ownership, is shown by a statement made by Mr. W. Rathbone, M.P., to which my attention has been drawn since the above paragraph was in type. He says, "within my own experience, local taxation in New York has risen from 12*s.* 6*d.* per cent. to £2 12*s.* 6*d.* per cent. on the capital of its citizens—a charge which would more than absorb the whole income of an average English landlord."—*Nineteenth Century*, February, 1883.

† *Fortnightly Review*, November, 1883, pp. 619–20.

the demand made by Mr. Arch, who, addressing the Radical Association of Brighton lately, and contending that existing landlords do not make their land adequately productive for the public benefit, said "he should like the present Government to pass a Compulsory Cultivation Bill:" an applauded proposal which he justified by instancing compulsory vaccination (thus illustrating the influence of precedent). And this demand will be pressed, not only by the need for making the land productive, but also by the need for employing the rural population. After the Government has extended the practice of hiring the unemployed to work on deserted lands, or lands acquired at nominal prices, there will be reached a stage whence there is but a small further step to that arrangement which, in the programme of the Democratic Federation, is to follow nationalization of the land—the "organization of agricultural and industrial armies under State control on co-operative principles."

To one who doubts whether such a revolution may be so reached, facts may be cited showing its likelihood. In Gaul, during the decline of the Roman Empire, "so numerous were the receivers in comparison with the payers, and so enormous the weight of taxation, that the labourer broke down, the plains became deserts, and woods grew where the plough had been."* In like manner, when the French Revolution was approaching, the public burdens had become such, that many farms remained uncultivated and many were deserted: one quarter of the soil was absolutely lying waste; and in some provinces one-half was in heath.† Nor have we been without incidents of a kindred nature at home. Besides the facts that under the old Poor Law the rates had in some parishes risen to half the rental, and that in various places farms were lying idle, there is the fact that in one case the rates had absorbed the whole proceeds of the soil.

At Cholesbury, in Buckinghamshire, in 1832, the poor-rate "suddenly ceased in consequence of the impossibility to continue its collection, the landlords having given up their rents, the farmers their tenancies, and the clergyman his glebe and his tithes. The clergyman, Mr. Jeston, states that in October, 1832, the parish officers threw up their books, and the poor assembled in a body before his door while he was in bed, asking for advice and food. Partly from his own small means, partly from the charity of

* Lactant. *De M. Persecut.*, cc. 7, 23.

† Taine, *L'Ancien Régime*, pp. 337–8 (in the English Translation).

neighbours, and partly by rates in aid, imposed on the neighbouring parishes, they were for some time supported."*

And the Commissioners add that "the benevolent rector recommends that the whole of the land should be divided among the able-bodied paupers:" hoping that after help afforded for two years, they might be able to maintain themselves. These facts, giving colour to the prophecy made in Parliament that continuance of the old Poor Law for another thirty years would throw the land out of cultivation, clearly show that increase of public burdens may end in forced cultivation under public control.

Then, again, comes State-ownership of railways. Already this exists to a large extent on the Continent. Already we have had here a few years ago loud advocacy of it. And now the cry, which was raised by sundry politicians and publicists, is taken up afresh by the Democratic Federation; which proposes "State-appropriation of railways, with or without compensation." Evidently, pressure from above joined by pressure from below, is likely to effect this change dictated by the policy everywhere spreading; and with it must come many attendant changes. For railway-proprietors, at first owners and workers of railways only, have become masters of numerous businesses directly or indirectly connected with railways; and these will have to be purchased by Government when the railways are purchased. Already exclusive letter-carrier, exclusive transmitter of telegrams, and on the way to become exclusive carrier of parcels, the State will not only be exclusive carrier of passengers, goods, and minerals, but will add to its present various trades many other trades. Even now, besides erecting its naval and military establishments and building harbours, docks, breakwaters, &c., it does the work of shipbuilder, cannon-founder, small-arms maker, manufacturer of ammunition, army-clothier and bootmaker; and when the railways have been appropriated "with or without compensation," as the Democratic Federationists say, it will have to become locomotive-engine-builder, carriage-maker, tarpaulin and grease manufacturer, passenger-vessel owner, coal-miner, stone-quarrier, omnibus propietor, &c. Meanwhile its local lieutenants, the municipal governments, already in many places suppliers of water, gas-makers, owners and workers of tramways, proprietors of baths, will doubtless have undertaken various other businesses. And when

* *Report of Commissioners for Inquiry into the Administration and Practical Operation of the Poor Laws*, p. 37. February 20, 1834.

the State, directly or by proxy, has thus come into possession of, or has established, numerous concerns for wholesale production and for wholesale distribution, there will be good precedents for extending its function to retail distribution: following such an example, say, as is offered by the French Government, which has long been a retail tobacconist.

Evidently then, the changes made, the changes in progress, and the changes urged, will carry us not only towards State-ownership of land and dwellings and means of communication, all to be administered and worked by State-agents, but towards State-usurpation of all industries: the private forms of which, disadvantaged more and more in competition with the State, which can arrange everything for its own convenience, will more and more die away; just as many voluntary schools have, in presence of Board-schools. And so will be brought about the desired ideal of the socialists.

And now when there has been compassed this desired ideal, which "practical" politicians are helping socialists to reach, and which is so tempting on that bright side which socialists contemplate, what must be the accompanying shady side which they do not contemplate? It is a matter of common remark, often made when a marriage is impending, that those possessed by strong hopes habitually dwell on the promised pleasures and think nothing of the accompanying pains. A further exemplification of this truth is supplied by these political enthusiasts and fanatical revolutionists. Impressed with the miseries existing under our present social arrangements, and not regarding these miseries as caused by the ill-working of a human nature but partially adapted to the social state, they imagine them to be forthwith curable by this or that rearrangement. Yet, even did their plans succeed it could only be by substituting one kind of evil for another. A little deliberate thought would show that under their proposed arrangements, their liberties must be surrendered in proportion as their material welfares were cared for.

For no form of co-operation, small or great, can be carried on without regulation, and an implied submission to the regulating agencies. Even one of their own organizations for effecting social changes yields them proof. It is compelled to have its councils, its local and general officers, its authoritative leaders, who must be obeyed under penalty of confusion and failure. And the experience

of those who are loudest in their advocacy of a new social order under the paternal control of a Government, shows that even in private voluntarily-formed societies, the power of the regulative organization becomes great, if not irresistible : often, indeed, causing grumbling and restiveness among those controlled. Trades Unions' which carry on a kind of industrial war in defence of workers' interests *versus* employers' interests, find that subordination almost military in its strictness is needful to secure efficient action ; for divided councils prove fatal to success. And even in bodies of co-operators, formed for carrying on manufacturing or distributing businesses, and not needing that obedience to leaders which is required where the aims are offensive or defensive, it is still found that the administrative agency gains such supremacy that there arise complaints about "the tyranny of organization." Judge then what must happen when, instead of relatively small combinations, to which men may belong or not as they please, we have a national combination in which each citizen finds himself incorporated, and from which he cannot separate himself without leaving the country. Judge what must under such conditions become the despotism of a graduated and centralized officialism, holding in its hands the resources of the community, and having behind it whatever amount of force it finds requisite to carry out its decrees and maintain what it calls order. Well may Prince Bismarck display leanings towards State-socialism.

And then after recognizing, as they must if they think out their scheme, the power possessed by the regulative agency in the new social system so temptingly pictured, let its advocates ask themselves to what end this power must be used. Not dwelling exclusively, as they habitually do, on the material well-being and the mental gratifications to be provided for them by a beneficent administration, let them dwell a little on the price to be paid. The officials cannot create the needful supplies : they can but distribute among individuals that which the individuals have joined to produce. If the public agency is required to provide for them, it must reciprocally require them to furnish the means. There cannot be, as under our existing system, agreement between employer and employed—this the scheme excludes. There must in place of it be command by local authorities over workers, and acceptance by the workers of that which the authorities assign to them. And this, indeed, is the arrangement distinctly, but as it would seem inadvertently,

pointed to by the members of the Democratic Federation. For they propose that production should be carried on by "agricultural and industrial *armies* under State-control:" apparently not remembering that armies pre-suppose grades of officers, by whom obedience would have to be insisted upon; since otherwise neither order nor efficient work could be ensured. So that each would stand toward the governing agency in the relation of slave to master.

"But the governing agency would be a master which he and others made and kept constantly in check; and one which therefore would not control him or others more than was needful for the benefit of each and all."

To which reply the first rejoinder is that, even if so, each member of the community as an individual would be a slave to the community as a whole. Such a relation has habitually existed in militant communities, even under quasi-popular forms of government. In ancient Greece the accepted principle was that the citizen belonged neither to himself nor to his family, but belonged to his city—the city being with the Greek equivalent to the community. And this doctrine, proper to a state of constant warfare, is a doctrine which socialism unawares re-introduces into a state intended to be purely industrial. The services of each will belong to the aggregate of all; and for these services, such returns will be given as the authorities think proper. So that even if the administration is of the beneficent kind intended to be secured, slavery, however mild, must be the outcome of the arrangement.

A second rejoinder is that the administration will presently become not of the intended kind, and that the slavery will not be mild. The socialist speculation is vitiated by an assumption like that which vitiates the speculations of the "practical" politician. It is assumed that officialism will work as it is intended to work, which it never does. The machinery of Communism, like existing social machinery, has to be framed out of existing human nature; and the defects of existing human nature will generate in the one the same evils as in the other. The love of power, the selfishness, the injustice, the untruthfulness, which often in comparatively short times bring private organisations to disaster, will inevitably, where their effects accumulate from generation to generation, work evils far greater and less remediable; since, vast and complex and possessed of all the resources, the administrative organization once

developed and consolidated, must become irresistible. And if there needs proof that the periodic exercise of electoral power would fail to prevent this, it suffices to instance the French Government, which, purely popular in origin, and subject at short intervals to popular judgment, nevertheless tramples on the freedom of citizens to an extent which the English delegates to the late Trades Unions Congress say "is a disgrace to, and an anomaly in, a Republican nation."

The final result would be a revival of despotism. A disciplined army of civil officials, like an army of military officials, gives supreme power to its head—a power which has often led to usurpation, as in mediæval Europe and still more in Japan—nay, has thus so led among our neighbours, within our own times. The recent confessions of M. de Maupas have shown how readily a constitutional head, elected and trusted by the whole people, may, with the aid of a few unscrupulous confederates, paralyze the representative body and make himself autocrat. That those who rose to power in a socialistic organization would not scruple to carry out their aims at all costs, we have good reason for concluding. When we find that shareholders who, sometimes gaining but often losing, have made that railway-system by which national prosperity has been so greatly increased, are spoken of by the council of the Democratic Federation as having "laid hands" on the means of communication, we may infer that those who directed a socialistic administration might interpret with extreme perversity the claims of individuals and classes under their control. And when, further, we find members of this same council urging that the State should take possession of the railways, "with or without compensation," we may suspect that the heads of the ideal society desired, would be but little deterred by considerations of equity from pursuing whatever policy they thought needful: a policy which would always be one identified with their own supremacy. It would need but a war with an adjacent society, or some internal discontent demanding forcible suppression, to at once transform a socialistic administration into a grinding tyranny like that of ancient Peru; under which the mass of the people, controlled by grades of officials, and leading lives that were inspected out-of-doors and in-doors, laboured for the support of the organisation which regulated them, and were left with but a bare subsistence for themselves. And then would be completely revived, under a different form, that *régime* of status—

that system of compulsory co-operation, the decaying tradition of which is represented by the old Toryism, and towards which the new Toryism is carrying us back.

"But we shall be on our guard against all that—we shall take precautions to ward off such disasters," will doubtless say the enthusiasts. Be they "practical" politicians with their new regulative measures, or communists with their schemes for re-organizing labour, their reply is ever the same:—"It is true that plans of kindred nature have, from unforeseen causes or adverse accidents, or the misdeeds of those concerned, been brought to failure; but this time we shall profit by past experiences and succeed." There seems no getting people to accept the truth, which nevertheless is conspicuous enough, that the welfare of a society and the justice of its arrangements are at bottom dependent on the characters of its members; and that improvement in neither can take place without that improvement in character which results from carrying on peaceful industry under the restraints imposed by an orderly social life. The belief, not only of the socialists but also of those so-called Liberals who are diligently preparing the way for them, is that by due skill an ill-working humanity may be framed into well-working institutions. It is a delusion. The defective natures of citizens will show themselves in the bad acting of whatever social structure they are arranged into. There is no political alchemy by which you can get golden conduct out of leaden instincts.

Note.—Two replies by socialists to the foregoing article have appeared since its publication—*Socialism and Slavery* by H. M. Hyndman and *Herbert Spencer on Socialism* by Frank Fairman. Notice of them here must be limited to saying that, as usual with antagonists, they ascribe to me opinions which I do not hold. Disapproval of Socialism does not, as Mr. Hyndman assumes, necessitate approval of existing arrangements. Many things he reprobates I reprobate quite as much; but I dissent from his remedy. The gentleman who writes under the pseudonym of "Frank Fairman," reproaches me with having receded from that sympathetic defence of the labouring-classes which he finds in *Social Statics;* but I am quite unconscious of any such change as he alleges. Looking with a lenient eye upon the irregularities of those whose lives are hard, by no means involves tolerance of good-for-nothings.

THE SINS OF LEGISLATORS.

Be it or be it not true that Man is shapen in iniquity and conceived in sin, it is unquestionably true that Government is begotten of aggression and by aggression. In small undeveloped societies where for ages complete peace has continued, there exists nothing like what we call Government: no coercive agency, but mere honorary headship, if any headship at all. In these exceptional communities, unaggressive and from special causes unaggressed upon, there is so little deviation from the virtues of truthfulness, honesty, justice, and generosity, that nothing beyond an occasional expression of public opinion by informally-assembled elders is needful.* Conversely, we find proofs that, at first recognized but temporarily during leadership in war, the authority of a chief is permanently established by continuity of war; and grows strong where successful aggression ends in subjection of neighbouring tribes. And thence onwards, examples furnished by all races put beyond doubt the truth, that the coercive power of the chief, developing into king, and king of kings (a frequent title in the ancient East), becomes great in proportion as conquest becomes habitual and the union of subdued nations extensive.† Comparisons disclose a further truth which should be ever present to us—the truth that the aggressiveness of the ruling power inside a society increases with its aggressiveness outside the society. As, to make an efficient army, the soldiers in their several grades must be subordinate to the commander; so, to make an efficient fighting community, must the citizens be subordinate to the ruling power.

* *Political Institutions*, §§ 437, 573.

† *Ibid.*, §§ 471–3.

They must furnish recruits to the extent demanded, and yield up whatever property is required.

An obvious implication is that the ethics of Government, originally identical with the ethics of war, must long remain akin to them; and can diverge from them only as warlike activities and preparations become less. Current evidence shows this. At present on the Continent, the citizen is free only when his services as a soldier are not demanded; and during the rest of his life he is largely enslaved in supporting the military organization. Even among ourselves, a serious war would, by the necessitated conscription, suspend the liberties of large numbers and trench on the liberties of the rest, by taking from them through taxes whatever supplies were needed—that is, forcing them to labour so many days more for the State. Inevitably the established code of conduct in the dealings of Governments with citizens, must be allied to their code of conduct in their dealings with one another.

I am not, under the title of this article, about to treat of the trespasses and the revenges for trespasses, accounts of which constitute the great mass of history; nor to trace the internal inequities which have ever accompanied the external inequities. I do not propose here to catalogue the crimes of irresponsible legislators; beginning with that of King Khufu, the stones of whose vast tomb were laid in the bloody sweat of tens of thousands of slaves toiling through long years under the lash; going on to those committed by conquerors, Egyptian, Assyrian, Persian, Macedonian, Roman and the rest; and ending with those of Napoleon, whose ambition to set his foot on the neck of the civilized world, cost not less than two million lives.* Nor do I propose here to enumerate those sins of responsible legislators seen in the long list of laws made in the interests of dominant classes—a list coming down in our own country to those under which there were long maintained slavery and the slave-trade, torturing nearly 40,000 negroes annually by close packing during a tropical voyage, and killing a large percentage of them, and ending with that of the corn-laws, by which, says Sir Erskine May, "to ensure high rents, it had been decreed that multitudes should hunger."†

Not, indeed, that a presentation of the conspicuous misdeeds of legislators, responsible and irresponsible, would be useless. It would

* Lanfrey. See also *Study of Sociology*, p. 42, and Appendix.

† *Constitutional History of England*, ii. p. 617.

have several uses—one of them relevant to the truth above pointed out. Such a presentation would make clear how that identity of governmental ethics with military ethics which necessarily exists during primitive times, when the army is simply the mobilized society and the society is the quiescent army, continues through long stages, and even now affects in great degrees our law-proceedings and our daily lives. Having, for instance, shown that in numerous savage tribes the judicial function of the chief does not exist, or is nominal, and that very generally during early stages of European civilization, each man had to defend himself and rectify his private wrongs as best he might—having shown that in mediæval times the right of private war among members of the military order was brought to an end, not because the head ruler thought it his duty to arbitrate, but because private wars interfered with the efficiency of his army in public wars—having shown that the administration of justice displayed through subsequent ages a large amount of its primitive nature, in trial by battle carried on before the king or his deputy as umpire, and which, among ourselves, continued nominally to be an alternative form of trial down to 1819; it might then be pointed out that even now there survives trial by battle under another form: counsel being the champions and purses the weapons. In civil cases, the ruling agency cares scarcely more than of old about rectifying the wrongs of the injured; but, practically, its deputy does little else than to enforce the rules of the fight: the result being less a question of equity than a question of pecuniary ability and forensic skill. Nay, so little concern for the administration of justice is shown by the ruling agency, that when, by legal conflict carried on in the presence of its deputy, the combatants have been pecuniarily bled even to the extent of producing prostration, and when an appeal being made by one of them the decision is reversed, the beaten combatant is made to pay for the blunders of the deputy, or of a preceding deputy; and not unfrequently the wronged man, who sought protection or restitution, is taken out of court pecuniarily dead.

Adequately done, such a portrayal of governmental misdeeds of commission and omission, proving that the partially-surviving code of ethics arising in, and proper to, a state of war, still vitiates governmental action, might greatly moderate the hopes of those who are anxious to extend governmental control. After observing that along with the still-manifest traits of that primitive political

structure which chronic militancy produces, there goes a still-manifest survival of its primitive principles; the reformer and the philanthropist might be less sanguine in their anticipations of good from its all-pervading agency, and might be more inclined to trust agencies of a non-governmental kind.

But leaving out the greater part of the large topic comprehended under the title of this article, I propose here to deal only with a comparatively small remaining part—those sins of legislators which are not generated by their personal ambitions or class interests, but result from a lack of the study by which they are morally bound to prepare themselves.

A druggist's assistant who, after listening to the description of pains which he mistakes for those of colic, but which are really caused by inflammation of the cæcum, prescribes a sharp purgative and kills the patient, is found guilty of manslaughter. He is not allowed to excuse himself on the ground that he did not intend harm but hoped for good. The plea that he simply made a mistake in his diagnosis is not entertained. He is told that he had no right to risk disastrous consequences by meddling in a matter concerning which his knowledge was so inadequate. The fact that he was ignorant how great was his ignorance is not accepted in bar of judgment. It is tacitly assumed that the experience common to all should have taught him that even the skilled, and much more the unskilled, make mistakes in the identification of disorders and in the appropriate treatment; and that having disregarded the warning derivable from common experience, he was answerable for the consequences.

We measure the responsibilities of legislators for mischiefs they may do, in a much more lenient fashion. In most cases, so far from thinking of them as deserving punishment for causing disasters by laws ignorantly enacted, we scarcely think of them as deserving reprobation. It is held that common experience should have taught the druggist's assistant, untrained as he is, not to interfere; but it is not held that common experience should have taught the legislator not to interfere till he has trained himself. Though multitudinous facts are before him in the recorded legislation of our own country and of other countries, which should impress on him the immense evils caused by wrong treatment, he is not condemned for disregarding these warnings against rash meddling.

Contrariwise, it is thought meritorious in him when—perhaps lately from college, perhaps fresh from keeping a pack of hounds which made him popular in his county, perhaps emerging from a provincial town where he acquired a fortune, perhaps rising from the bar at which he has gained a name as an advocate—he enters Parliament; and forthwith, in quite a light-hearted way, begins to aid or hinder this or that means of operating on the body politic. In this case there is no occasion even to make for him the excuse that he does not know how little he knows; for the public at large agrees with him in thinking it needless that he should know anything more than what the debates on the proposed measures tell him.

And yet the mischiefs wrought by uninstructed law-making, enormous in their amount as compared with those caused by uninstructed medical treatment, are conspicuous to all who do but glance over its history. The reader must pardon me while I recall a few familiar instances. Century after century, statesmen went on enacting usury laws which made worse the condition of the debtor—raising the rate of interest "from five to six when intending to reduce it to four,"* as under Louis XV.; and indirectly producing undreamt of evils of many kinds, such as preventing the reproductive use of spare capital, and "burdening the small proprietors with a multitude of perpetual services."† So, too, the endeavours which in England continued through five hundred years to stop forestalling, and which in France, as Arthur Young witnessed, prevented any one from buying "more than two bushels of wheat at market,"‡ went on generation after generation increasing the miseries and mortality due to dearth; for, as everybody now knows, the wholesale dealer, who was in the statute "De Pistoribus" vituperated as "an open oppressor of poor people,"§ is simply one whose function it is to equalize the supply of a commodity by checking unduly rapid consumption. Of kindred nature was the measure which, in 1315, to diminish the pressure of famine, prescribed the prices of foods, but which was hastily repealed after it had caused entire disappearance of various

* Lecky, *Rationalism*, ii. 293–4.

† De Tocqueville, *The State of Society in France before the Revolution*, p. 421.

‡ Young's *Travels*, i. 128–9.

§ Craik's *History of British Commerce*, i. 134.

foods from the markets; and also such measures, more continuously operating, as those which settled by magisterial order "the reasonable gains" of victuallers.* Of like spirit and followed by allied mischiefs have been the many endeavours to fix wages, which began with the Statute of Labourers under Edward III., and ceased only sixty years ago; when, having long galvanized in Spitalfields a decaying industry, and fostered there a miserable population, Lords and Commons finally gave up fixing silk-weavers' earnings by the decisions of magistrates.

Here I imagine an impatient interruption. "We know all that; the story is stale. The mischiefs of interfering with trade have been dinned in our ears till we are weary; and no one needs to be taught the lesson afresh." My first reply is that by the great majority the lesson was never properly learnt at all, and that many of those who did learn it have forgotten it. For just the same pleas which of old were put in for these dictations, are again put in. In the statute 35 of Edward III., which aimed to keep down the price of herrings (but was soon repealed because it raised the price), it was complained that people "coming to the fair . . . do bargain for herring, and every of them, by malice and envy, increase upon other, and, if one proffer forty shillings, another will proffer ten shillings more, and the third sixty shillings, and so every one surmounteth other in the bargain."† And now the "higgling of the market," here condemned and ascribed to "malice and envy," is being again condemned. The evils of competition have all along been the stock cry of the Socialists; and the council of the Democratic Federation denounces the carrying on of exchange under "the control of individual greed and profit." My second reply is that interferences with the law of supply and demand, which a generation ago were admitted to be habitually mischievous, are now being daily made by Acts of Parliament in new fields; and that, as I shall presently show, they are in these fields increasing the evils to be cured and producing fresh ones, as of old they did in fields no longer intruded upon.

Returning from this parenthesis, I go on to explain that the above Acts are named to remind the reader that uninstructed legislators have in past times continually increased human suffering in their endeavours to mitigate it; and I have now to add that if these evils, shown to be legislatively intensified or produced,

* Craik's *History of British Commerce*, i. 136-7. † Craik, *loc. cit.*, i. 137.

be multiplied by ten or more, a conception will be formed of the aggregate evils caused by law-making unguided by social science. In a paper read to the Statistical Society in May, 1873, Mr. Janson, vice-president of the Law Society, stated that from the Statute of Merton (20 Henry III.) to the end of 1872, there had been passed 18,110 public Acts; of which he estimated that four-fifths had been wholly or partially repealed. He also stated that the number of public Acts repealed wholly or in part, or amended, during the three years 1870-71-72 had been 3,532, of which 2,759 had been totally repealed. To see whether this rate of repeal has continued, I have referred to the annually-issued volumes of "The Public General Statutes" for the last three sessions. Saying nothing of the numerous amended Acts, the result is that in the last three sessions there have been totally repealed, separately or in groups, 650 Acts, *belonging to the present reign*, besides many of preceding reigns. This, of course, is greatly above the average rate; for there has of late been an active purgation of the statute-book. But making every allowance, we must infer that within our own times, repeals have mounted some distance into the thousands. Doubtless a number of them have been of laws that were obsolete; others have been demanded by changes of circumstances (though seeing how many of them are of quite recent Acts, this has not been a large cause); others simply because they were inoperative; and others have been consequent on the consolidations of numerous Acts into single Acts. But unquestionably in multitudinous cases, repeals came because the Acts had proved injurious. We talk glibly of such changes—we think of cancelled legislation with indifference. We forget that before laws are abolished they have generally been inflicting evils more or less serious; some for a few years, some for tens of years, some for centuries. Change your vague idea of a bad law into a definite idea of it as an agency operating on people's lives, and you see that it means so much of pain, so much of illness, so much of mortality. A vicious form of legal procedure, for example, either enacted or tolerated, entails on suitors, costs, or delays, or defeats. What do these imply? Loss of money, often ill-spared; great and prolonged anxiety; frequently consequent illness; unhappiness of family and dependents; children stinted in food and clothing—all of them miseries which bring after them multiplied remoter miseries. Add to which there are the far more

numerous cases of those who, lacking the means or the courage to enter on law-suits, and therefore submitting to frauds, are impoverished; and have similarly to bear the pains of body and mind which ensue. Even to say that a law has been simply a hindrance, is to say that it has caused needless loss of time, extra trouble, and additional worry; and among over-burdened people extra trouble and worry imply, here and there, break-downs in health with their entailed direct and indirect sufferings. Seeing, then, that bad legislation means injury to men's lives, judge what must be the total amount of mental distress, physical pain, and raised mortality, which these thousands of repealed Acts of Parliament represent! Fully to bring home the truth that law-making unguided by adequate knowledge brings immense evils, let me take a special case which a question of the day recalls.

Already I have hinted that interferences with the connexion between supply and demand, given up in certain fields after immense mischiefs had been done during many centuries, are now taking place in other fields. This connexion is supposed to hold only where it has been proved to hold by the evils of disregarding it: so feeble is men's belief in it. There seems no suspicion that in cases where it seems to fail, natural causation has been traversed by artificial hindrances. And yet in the case to which I now refer—that of the supply of houses for the poor—it needs but to ask what laws have been doing for a long time past, to see that the terrible evils complained of are mostly law-made.

A generation ago discussion was taking place concerning the inadequacy and badness of industrial dwellings, and I had occasion to deal with the question. Here is a passage then written:—

"An architect and surveyor describes it [the Building Act] as having worked after the following manner. In those districts of London consisting of inferior houses built in that unsubstantial fashion which the New Building Act was to mend, there obtains an average rent, sufficiently remunerative to landlords whose houses were run up economically before the New Building Act passed. This existing average rent fixes the rent that must be charged in these districts for new houses of the same accommodation—that is the same number of rooms, for the people they are built for do not appreciate the extra safety of living within walls strengthened with hoop-iron bond. Now it turns out upon trial, that houses built in accordance with the present regulations, and let at this established rate, bring in nothing like a reasonable return. Builders have consequently

confined themselves to erecting houses in better districts (where the possibility of a profitable competition with pre-existing houses shows that those pre-existing houses were tolerably substantial), and have ceased to erect dwellings for the masses, except in the suburbs where no pressing sanitary evils exist. Meanwhile, in the inferior districts above described, has resulted an increase of overcrowding—half-a-dozen families in a house, a score lodgers to a room. Nay, more than this has resulted. That state of miserable dilapidation into which these abodes of the poor are allowed to fall, is due to the absence of competition from new houses. Landlords do not find their tenants tempted away by the offer of better accommodation. Repairs, being unnecessary for securing the largest amount of profit, are not made. . . . . In fact for a large percentage of the very horrors which our sanitary agitators are trying to cure by law, we have to thank previous agitators of the same school!"—*Social Statics*, p. 384 (edition of 1851).

These were not the only law-made causes of such evils. As shown in the following further passage, sundry others were recognized:—

"Writing before the repeal of the brick-duty, the *Builder* says:—'It is supposed that one-fourth of the cost of a dwelling which lets for 2*s.* 6*d.* or 3*s.* a week is caused by the expense of the title-deeds and the tax on wood and bricks used in its construction. Of course, the owner of such property must be remunerated, and he therefore charges 7½*d.* or 9*d.* a week to cover these burdens.' Mr. C. Gatliff, secretary to the Society for Improving the Dwellings of the Working Classes, describing the effect of the window-tax, says:—'They are now paying upon their institution in St. Pancras the sum of £162 16*s.* in window-duties, or 1 per cent. per annum upon the original outlay. The average rental paid by the Society's tenants is 5*s.* 6*d.* per week, and the window-duty deducts from this 7¼*d.* per week.'"—*Times*, January 31, 1850.—*Social Statics*, p. 385 (edition of 1851).

Neither is this all the evidence which the press of those days afforded. There was published in the *Times* of December 7, 1850 (too late to be used in the above-named work, which I issued in the last week of 1850), a letter dated from the Reform Club, and signed "Architect," which contained the following passages:—

'Lord Kinnaird recommends in your paper of yesterday the construction of model lodging-houses by throwing two or three houses into one.

"Allow me to suggest to his Lordship, and to his friend Lord Ashley to whom he refers, that if,—

"1. The window-tax were repealed,

"2. The Building Act repealed (excepting the clauses enacting that party and external walls shall be fireproof),

"3. The timber duties either equalized or repealed, and,

"4. An Act passed to facilitate the transfer of property,

"There would be no more necessity for model lodging-houses than there is for model ships, model cotton-mills, or model steam-engines.

"The first limits the poor man's house to seven windows,

"The second limits the size of the poor man's house to 25 feet by 18 (about the size of a gentleman's dining-room), into which space the builder has to cram a staircase, an entrance-passage, a parlour, and a kitchen (walls and partitions included).

"The third induces the builder to erect the poor man's house of timber unfit for building purposes, the duty on the good material (Baltic) being fifteen times more than the duty on the bad or injurious article (Canadian). The Government, even, exclude the latter from all their contracts.

"The fourth would have considerable influence upon the present miserable state of the dwellings of the poor. Small freeholds might then be transferred as easily as leaseholds. The effect of building leases has been a direct inducement to bad building."

To guard against mis-statement or over-statement, I have taken the precaution to consult a large East-end builder and contractor of forty years' experience, Mr. C. Forrest, Museum Works, 17, Victoria Park Square, Bethnal Green, who, being churchwarden, member of the vestry, and of the board of guardians, adds extensive knowledge of local public affairs to his extensive knowledge of the building business. Mr. Forrest, who authorizes me to give his name, verifies the foregoing statements with the exception of one which he strengthens. He says that "Architect" understates the evil entailed by the definition of "a fourth-rate house;" since the dimensions are much less than those he gives (perhaps in conformity with the provisions of a more recent Building Act). Mr. Forrest has done more than this. Besides illustrating the bad effects of great increase in ground-rents (in sixty years from £1 to £8 10*s.* for a fourth-rate house) which, joined with other causes, had obliged him to abandon plans for industrial dwellings he had intended to build—besides agreeing with "Architect" that this evil has been greatly increased by the difficulties of land-transfer due to the law-established system of trusts and entails; he pointed out that a further penalty on the building of small houses is inflicted by additions to local burdens ("prohibitory imposts" he called them): one of the instances he named being that to the cost of each new house has to be added the cost of pavement, roadway and sewerage, which is charged according to length of frontage, and

which, consequently, bears a far larger ratio to the value of a small house than to the value of a large one.

From these law-produced mischiefs, which were great a generation ago and have since been increasing, let us pass to more recent law-produced mischiefs. The misery, the disease, the mortality in "rookeries," made continually worse by artificial impediments to the increase of fourth-rate houses, and by the necessitated greater crowding of those which existed, having become a scandal, Government was invoked to remove the evil. It responded by Artisans' Dwellings Acts; giving to local authorities powers to pull down bad houses and provide for the building of good ones. What have been the results? A summary of the operations of the Metropolitan Board of Works, dated December 21, 1883, shows that up to last September it had, at a cost of a million and a quarter to ratepayers, unhoused 21,000 persons and provided houses for 12,000—the remaining 9,000 to be hereafter provided for, being, meanwhile, left houseless. This is not all. Another local lieutenant of the Government, the Commission of Sewers for the City, working on the same lines, has, under legislative compulsion, pulled down in Golden Lane and Petticoat Square, masses of condemned small houses, which, together, accommodated 1,734 poor people; and of the spaces thus cleared five years ago, one has, by State-authority, been sold for a railway station, and the other is only now being covered with industrial dwellings which will eventually accommodate one-half of the expelled population: the result up to the present time being that, added to those displaced by the Metropolitan Board of Works, these 1,734 displaced five years ago, form a total of nearly 11,000 artificially made homeless, who have had to find corners for themselves in miserable places that were already overflowing!

See then what legislation has done. By ill-imposed taxes, raising the prices of bricks and timber, it added to the costs of houses; and prompted, for economy's sake, the use of bad materials in scanty quantities. To check the consequent production of wretched dwellings, it established regulations which, in mediæval fashion, dictated the quality of the commodity produced: there being no perception that by insisting on a higher quality and therefore higher price, it would limit the demand and eventually diminish the supply. By additional local burdens, legislation has of late still further hindered the building of small houses. Finally, having, by successive measures, produced first bad houses and then a deficiency

of better ones, it has at length provided for the artificially-increased overflow of poor people by diminishing the house-capacity which already could not contain them!

Where then lies the blame for the miseries of the East-end? Against whom should be raised "the bitter cry of outcast London?"

The German anthropologist Bastian, tells us that a sick native of Guinea who causes the fetish to lie by not recovering, is strangled;* and we may reasonably suppose that among the Guinea people, any one audacious enough to call in question the power of the fetish would be promptly sacrificed. In days when governmental authority was enforced by strong measures, there was a kindred danger in saying anything disrespectful of the political fetish. Nowadays, however, the worst punishment to be looked for by one who questions its omnipotence, is that he will be reviled as a reactionary who talks *laissez-faire*. That any facts he may bring forward will appreciably decrease the established faith is not to be expected; for we are daily shown that this faith is proof against all adverse evidence. Let us contemplate a small part of that vast mass of it which passes unheeded.

"A Government-office is like an inverted filter: you send in accounts clear and they come out muddy." Such was the comparison I heard made many years ago by the late Sir Charles Fox, who, in the conduct of his business, had considerable experience of public departments. That his opinion was not a singular one, though his comparison was, all men know. Exposures by the press and criticisms in Parliament, leave no one in ignorance of the vices of red-tape routine. Its delays, perpetually complained of, and which in the time of Mr. Fox Maule went to the extent that "the commissions of officers in the army" were generally "about two years in arrear," is afresh illustrated by the issue of the first volume of the detailed census of 1881, more than two years after the information was collected. If we seek explanations of such delays, we find one origin to be a scarcely credible confusion. In the case of the census returns, the Registrar-General tells us that "the difficulty consists not merely in the vast multitude of different areas that have to be taken into account, but still more in the bewildering complexity of their boundaries:" there being 39,000

* *Mensch*, iii. p. 225.

administrative areas of twenty-two different kinds which overlap one another—hundreds, parishes, boroughs, wards, petty sessional divisions, lieutenancy divisions, urban and rural sanitary districts, dioceses, registration districts, &c. And then, as Mr. Rathbone, M.P., points out,* these many superposed sets of areas with intersecting boundaries, have their respective governing bodies with authorities running into one another's districts. Does any one ask why for each additional administration Parliament has established a fresh set of divisions? The reply which suggests itself is—To preserve consistency of method. For this organized confusion corresponds completely with that organized confusion which Parliament each year increases by throwing on to the heap of its old Acts a hundred new Acts, the provisions of which traverse and qualify in all kinds of ways the provisions of multitudinous Acts on to which they are thrown: the onus of settling what is the law being left to private persons, who lose their property in getting judges' interpretations. And again, this system of putting networks of districts over other networks, with their conflicting authorities, is quite consistent with the method under which the reader of the Public Health Act of 1872, who wishes to know what are the powers exercised over him, is referred to 26 preceding Acts of several classes and numerous dates.† So, too, with administrative inertia. Continually there occur cases showing the resistance of officialism to improvements; as by the Admiralty when use of the electric telegraph was proposed, and the reply was—"We have a very good semaphore system;" or as by the Post Office, which the late Sir Charles Siemens years ago said had obstructed the employment of improved methods of telegraphing, and which since then has impeded the use of the telephone. Other cases akin to the case of industrial dwellings, now and then show how the State with one hand increases evils which with the other hand it tries to diminish; as when it puts a duty on fire-insurances and then makes regulations for the better putting out of fires: dictating, too, certain modes of construction, which, as Captain Shaw shows, entail additional dangers.‡ Again, the absurdities of official routine, rigid

* *The Nineteenth Century*, February, 1883.

† "The Statistics of Legislation." By F. H. Janson, Esq., F.L.S., Vice-president of the Incorporated Law Society. [Read before the Statistical Society, May, 1873.]

‡ *Fire Surveys; or, a Summary of the Principles to be observed in Estimating the Risk of Buildings.*

where it need not be and lax where it should be rigid, occasionally become glaring enough to cause scandals; as when a secret State-document of importance, put into the hands of an ill-paid copying clerk who was not even in permanent Government employ, was made public by him; or as when the mode of making the Moorsom fuse, which was kept secret even from our highest artillery officers, was taught to them by the Russians, who had been allowed to learn it; or as when a diagram showing the "distances at which British and foreign iron-clads could be perforated by our large guns," communicated by an enterprising *attaché* to his own Government, then became known "to all the Governments of Europe," while English officers remained ignorant of the facts.* So, too, with State-supervision. Guaranteeing of quality by inspection has been shown, in the hall-marking of silver, to be superfluous, while the silver trade has been decreased by it;† and in other cases it has lowered the quality by establishing a standard which it is useless to exceed: instance the case of the Cork butter-market, where the higher kinds are disadvantaged in not adequately profiting by their better repute;‡ or, instance the case of herring-branding (now optional) the effect of which is to put the many inferior curers who just reach the level of official approval, on a par with the few better ones who rise above it, and so to discourage these. But such lessons pass unlearned. Even where the failure of inspection is most glaring, no notice is taken of it; as instance the terrible catastrophe by which a train full of people was destroyed along with the Tay bridge. Countless denunciations, loud and unsparing, were vented against engineer and contractor; but little, if anything, was said about the Government officer from whom the bridge received State-approval. So, too, with prevention of disease. It matters not that under the management or dictation of State-agents some of the worst evils occur; as when the lives of 87 wives and children of soldiers are sacrificed in the ship *Accrington;* § or as when typhoid fever and diphtheria are diffused by a State-ordered drainage system, as in Edinburgh;‖ or as when officially-

* See *Times*, October 6, 1874, where other instances are given.

† *The State in its Relation to Trade*, by Sir Thomas Farrer, p. 147.

‡ *Ibid.*, p. 149. § Hansard, vol. clvi. p. 718, and vol. clvii. p. 4464.

‖ Letter of an Edinburgh M.D. in *Times* of 17th January, 1876, verifying other testimonies; one of which I had previously cited concerning Windsor, where, as in Edinburgh, there was absolutely no typhoid in the undrained parts, while it was very fatal in the drained parts.—*Study of Sociology*, chap. i., notes.

enforced sanitary appliances, ever getting out of order, increase the evils they were to decrease.* Masses of such evidence leave unabated the confidence with which sanitary inspection is invoked —invoked, indeed, more than ever; as is shown in the recent suggestion that all public schools should be under the supervision of health-officers. Nay, even when the State has manifestly caused the mischief complained of, faith in its beneficent agency is not at all diminished; as we see in the fact that, having a generation ago authorized, or rather required, towns to establish drainage systems which delivered sewage into the rivers, and having thus polluted the sources of water-supply, an outcry was raised against the water-companies for the impurities of their water—an outcry which continued after these towns had been compelled, at vast extra cost, to revolutionize their drainage systems. And now, as the only remedy, there follows the demand that the State, by its local proxies, shall undertake the whole business. The State's misdoings become, as in the case of industrial dwellings, reasons for praying it to do more.

This worship of the legislature is, in one respect, indeed, less excusable than the fetish-worship to which I have tacitly compared it. The savage has the defence that his fetish is silent—does not confess its inability. But the civilized man persists in ascribing to this idol made with his own hands, powers which in one way or other it confesses it has not got. I do not mean merely that the debates daily tell us of legislative measures which have done evil instead of good; nor do I mean merely that the thousands of Acts of Parliament which repeal preceding Acts, are so many tacit admissions of failure. Neither do I refer only to such quasi-governmental confessions as that contained in the report of the Poor Law Commissioners, who said that—"We find, on the one hand, that there is scarcely one statute connected with the administration of public relief which has produced the effect designed by the legislature, and that the majority of them have created new evils, and aggravated those which they were intended to prevent."† I refer rather to confessions made by statesmen, and by State-depart-

* I say this partly from personal knowledge; having now before me memoranda made 25 years ago concerning such results produced under my own observation. Verifying facts have recently been given by Sir Richard Cross in the *Nineteenth Century* for January, 1884, p. 155.

† Nicholl's *History of English Poor Law*, ii. p. 252.

ments. Here, for example, in a memorial addressed to Mr. Gladstone, and adopted by a highly-influential meeting held under the chairmanship of the late Lord Lyttelton, I read :—

"We, the undersigned, Peers, Members of the House of Commons, Ratepayers, and Inhabitants of the Metropolis, feeling strongly the truth and force of your statement made in the House of Commons, in 1866, that, 'there is still a lamentable and deplorable state of our whole arrangements, with regard to public works—vacillation, uncertainty, costliness, extravagance, meanness, and all the conflicting vices that could be enumerated, are united in our present system,'" &c., &c.*

Here, again, is an example furnished by a recent minute of the Board of Trade (November, 1883), in which it is said that since "the Shipwreck Committee of 1836 scarcely a session has passed without some Act being passed or some step being taken by the legislature or the Government with this object" [prevention of shipwrecks]; and that "the multiplicity of statutes, which were all consolidated into one Act in 1854, has again become a scandal and a reproach:" each measure being passed because previous ones had failed. And then comes presently the confession that "the loss of life and of ships has been greater since 1876 than it ever was before." Meanwhile, the cost of administration has been raised from £17,000 a year to £73,000 a year.†

It is surprising how, spite of better knowledge, the imagination is excited by artificial appliances used in particular ways. We see it all through human history, from the war-paint with which the savage frightens his adversary, down through religious ceremonies and regal processions, to the robes of a Speaker and the wand of an officially-dressed usher. I remember a child who, able to look with tolerable composure on a horrible cadaverous mask while it was held in the hand, ran away shrieking when his father put it on. A kindred change of feeling comes over constituencies when, from boroughs and counties, their members pass to the Legislative Chamber. While before them as candidates, they are, by one or other party, jeered at, lampooned, "heckled," and in all ways

* See *Times*, March 31, 1873.

† In these paragraphs are contained just a few additional examples. Numbers which I have before given in books and essays, will be found in *Social Statics* (1851); "Over-Legislation" (1853); "Representative Government" (1857); "Specialized Administration" (1871); *Study of Sociology* (1873), and Postscript to ditto (1880); besides cases in smaller essays.

treated with utter disrespect. But as soon as they assemble at Westminster, those against whom taunts and invectives, charges of incompetence and folly, had been showered from press and platform, excite unlimited faith. Judging from the prayers made to them, there is nothing which their wisdom and their power cannot compass.

The reply to all this will doubtless be that nothing better than guidance by "collective wisdom" can be had—that the select men of the nation, led by a re-selected few, bring their best powers, enlightened by all the knowledge of the time, to bear on the matters before them. "What more would you have?" will be the question asked by most.

My answer is that this best knowledge of the time with which legislators are said to come prepared for their duties, is a knowledge of which the greater part is obviously irrelevant, and that they are blameworthy for not seeing what is the relevant knowledge. No amount of the linguistic acquirements by which many of them are distinguished will help their judgments in the least; nor will they be appreciably helped by the literatures these acquirements open to them. Political experiences and speculations coming from small ancient societies, through philosophers who assume that war is the normal state, that slavery is alike needful and just, and that women must remain in perpetual tutelage, can yield them but small aid in judging how Acts of Parliament will work in great nations of modern types. They may ponder on the doings of all the great men by whom, according to the Carlylean theory, society is framed, and they may spend years over those accounts of international conflicts, and treacheries, and intrigues, and treaties, which fill historical works, without being much nearer understanding the how and the why of social structures and actions, and the ways in which laws affect them. Nor does such information as is picked up at the factory, on 'Change, or in the justice room, go far towards the required preparation.

That which is really needed is a systematic study of natural causation as displayed among human beings socially aggregated. Though a distinct consciousness of causation is the last trait which intellectual progress brings — though with the savage a simple mechanical cause is not conceived as such—though even among the Greeks the flight of a spear was thought of as guided by a god—

though from their times down almost to our own, epidemics have been habitually regarded as of supernatural origin — and though among social phenomena, the most complex of all, causal relations may be expected to continue longest unrecognized; yet in our days, the existence of such causal relations has become clear enough to force on all who think, the inference that before meddling with them they should be diligently studied. The mere facts, now familiar, that there is a connexion between the numbers of births, deaths, and marriages, and the price of corn, and that in the same society during the same generation, the ratio of crime to population varies within narrow limits, should be sufficient to make all see that human desires, using as guide such intellect as is joined with them, act with approximate uniformity. It should be inferred that among social causes, those initiated by legislation, similarly operating with an average regularity, must not only change men's actions, but, by consequence, change their natures—probably in ways not intended. There should be recognition of the fact that social causation, more than all other causation, is a fructifying causation; and it should be seen that indirect and remote effects are no less inevitable than proximate effects. I do not mean that there is denial of these statements and inferences. But there are beliefs and beliefs—some which are held nominally, some which influence conduct in small degrees, some which sway it irresistibly under all circumstances; and unhappily the beliefs of law-makers respecting causation in social affairs, are of the superficial sort. Let us look at some of the truths which all tacitly admit, but which scarcely any take deliberate account of in legislation.

There is the indisputable fact that each human being is in a certain degree modifiable both physically and mentally. Every theory of education, every discipline, from that of the arithmetician to that of the prize-fighter, every proposed reward for virtue or punishment for vice, implies the belief, embodied in sundry proverbs, that the use or disuse of each faculty, bodily or mental, is followed by an adaptive change in it—loss of power or gain of power, according to demand.

There is the fact, also in its broader manifestations universally recognized, that modifications of Nature in one way or other produced, are inheritable. No one denies that by the accumulation of small changes, generation after generation, constitution fits itself to conditions; so that a climate which is fatal to other races is innocuous to

the adapted race. No one denies that peoples who belong to the same original stock but have spread into different habitats where they have led different lives, have acquired in course of time different aptitudes and different tendencies. No one denies that under new conditions new national characters are even now being moulded; as witness the Americans. And if no one denies a process of adaptation everywhere and always going on, it is a manifest implication that adaptive modifications must be set up by every change of social conditions.

To which there comes the undeniable corollary that every law which serves to alter men's modes of action—compelling, or restraining, or aiding, in new ways—so affects them as to cause in course of time adjustments of their natures. Beyond any immediate effect wrought, there is the remote effect, wholly ignored by most—a re-moulding of the average character: a re-moulding which may be of a desirable kind or of an undesirable kind, but which in any case is the most important of the results to be considered.

Other general truths which the citizen, and still more the legislator, ought to contemplate until they become wrought into his intellectual fabric, are disclosed when we ask how social activities are produced; and when we recognize the obvious answer that they are the aggregate results of the desires of individuals who are severally seeking satisfactions, and ordinarily pursuing the ways which, with their pre-existing habits and thoughts, seem the easiest—following the lines of least resistance: the truths of political economy being so many sequences. It needs no proving that social structures and social actions must in some way or other be the outcome of human emotions guided by ideas—either those of ancestors or those of living men. And that the right interpretation of social phenomena is to be found in the co-operation of these factors from generation to generation, follows inevitably.

Such an interpretation soon brings us to the inference that of the aggregate results of men's desires seeking their gratifications, those which have prompted their private activities and their spontaneous co-operations, have done much more towards social development than those which have worked through governmental agencies. That abundant crops now grow where once only wild berries could be gathered, is due to the pursuit of individual satisfactions through many centuries. The progress from wigwams to good houses has resulted from wishes to increase personal welfare;

and towns have arisen under the like promptings. Beginning with traffic at gatherings on occasions of religious festivals, the trading organization, now so extensive and complex, has been produced entirely by men's efforts to achieve their private ends. Perpetually Governments have thwarted and deranged the growth, but have in no way furthered it; save by partially discharging their proper function and maintaining social order. So, too, with those advances of knowledge and those improvements of appliances, by which these structural changes and these increasing activities have been made possible. It is not to the State that we owe the multitudinous useful inventions from the spade to the telephone; it was not the State which made possible extended navigation by a developed astronomy; it was not the State which made the discoveries in physics, chemistry, and the rest, which guide modern manufacturers; it was not the State which devised the machinery for producing fabrics of every kind, for transferring men and things from place to place, and for ministering in a thousand ways to our comforts. The world-wide transactions conducted in merchant's offices, the rush of traffic filling our streets, the retail distributing system which brings everything within easy reach and delivers the necessaries of life daily at our doors, are not of governmental origin. All these are results of the spontaneous activities of citizens, separate or grouped. Nay, to these spontaneous activities Governments owe the very means of performing their duties. Divest the political machinery of all those aids which Science and Art have yielded it—leave it with those only which State-officials have invented; and its functions would cease. The very language in which its laws are registered and the orders of its agents daily given, is an instrument not in the remotest degree due to the legislator; but is one which has unawares grown up during men's intercourse while pursuing their personal satisfactions.

And then a truth to which the foregoing one introduces us, is that this spontaneously-formed social organization is so bound together that you cannot act on one part without acting more or less on all parts. We see this unmistakably when a cotton-famine, first paralyzing certain manufacturing districts and then affecting the doings of wholesale and retail distributors throughout the kingdom, as well as the people they supply, goes on to affect the makers and distributors, as well as the wearers, of other fabrics—woollen, linen, &c. Or we see it when a rise in the price of

coal, besides influencing domestic life everywhere, hinders the greater part of our industries, raises the prices of the commodities produced, alters the consumption of them, and changes the habits of consumers. What we see clearly in these marked cases happens in every case, in sensible or in insensible ways. And manifestly, Acts of Parliament are among those factors which, beyond the effects directly produced, have countless other effects of multitudinous kinds. As I heard remarked by a distinguished professor, whose studies give ample means of judging—"When once you begin to interfere with the order of Nature there is no knowing where the results will end." And if this is true of that sub-human order of Nature to which he referred, still more is it true of that order of Nature existing in the social arrangements produced by aggregated human beings.

And now to carry home the conclusion that the legislator should bring to his business a vivid consciousness of these and other such broad truths concerning the human society with which he proposes to deal, let me present somewhat more fully one of them not yet mentioned.

The continuance of every higher species of creature depends on conformity, now to one, now to the other, of two radically-opposed principles. The early lives of its members, and the adult lives of its members, have to be dealt with in contrary ways. We will contemplate them in their natural order.

One of the most familiar facts is that animals of superior types, comparatively slow in reaching maturity, are enabled when they have reached it, to give more aid to their offspring than animals of inferior types. The adults foster their young during periods more or less prolonged, while yet the young are unable to provide for themselves; and it is obvious that maintenance of the species can be secured only by a parental care adjusted to the need consequent on imperfection. It requires no proving that the blind unfledged hedge-bird, or the young puppy even after it has acquired sight, would forthwith die if it had to keep itself warm and obtain its own food. The gratuitous parental aid must be great in proportion as the young one is of little worth, either to itself or to others; and it may diminish as fast as, by increasing development, the young one acquires worth, at first for self-sustentation, and by-and-by for sustentation of others. That is to say, during immaturity,

benefits received must be inversely as the power or ability of the receiver. Clearly if during this first part of life benefits were proportioned to merits, or rewards to deserts, the species would disappear in a generation.

From this *régime* of the family-group, let us turn to the *régime* of that larger group formed by the adult members of the species. Ask what happens when the new individual, acquiring complete use of its powers and ceasing to have parental aid, is left to itself. Now there comes into play a principle just the reverse of that above described. Throughout the rest of its life, each adult gets benefit in proportion to merit—reward in proportion to desert: merit and desert in each case being understood as ability to fulfil all the requirements of life—to get food, to secure shelter, to escape enemies. Placed in competition with members of its own species and in antagonism with members of other species, it dwindles and gets killed off, or thrives and propagates, according as it is ill-endowed or well-endowed. Manifestly an opposite *régime*, could it be maintained, would, in course of time, be fatal to the species. If the benefits received by each individual were proportionate to its inferiority—if, as a consequence, multiplication of the inferior was furthered and multiplication of the superior hindered, progressive degradation would result; and eventually the degenerate species would fail to hold its ground in presence of antagonistic species and competing species.

The broad fact then, here to be noted, is that Nature's modes of treatment inside the family-group and outside the family-group, are diametrically opposed to one another; and that the intrusion of either mode into the sphere of the other, would be fatal to the species either immediately or remotely.

Does any one think that the like does not hold of the human species? He cannot deny that within the human family, as within any inferior family, it would be fatal to proportion benefits to merits. Can he assert that outside the family, among adults, there should not be a proportioning of benefits to merits? Will he contend that no mischief will result if the lowly endowed are enabled to thrive and multiply as much as, or more than, the highly endowed? A society of men, standing towards other societies in relations of either antagonism or competition, may be considered as a species, or, more literally, as a variety of a species; and it must be true of it as of other species or varieties, that it will be unable

to hold its own in the struggle with other societies, if it disadvantages its superior units that it may advantage its inferior units. Surely none can fail to see that were the principle of family life to be adopted and fully carried out in social life—were reward always great in proportion as desert was small, fatal results to the society would quickly follow; and if so, then even a partial intrusion of the family *régime* into the *régime* of the State, will be slowly followed by fatal results. Society in its corporate capacity, cannot without immediate or remoter disaster interfere with the play of these opposed principles under which every species has reached such fitness for its mode of life as it possesses, and under which it maintains that fitness.

I say advisedly—society in its corporate capacity: not intending to exclude or condemn aid given to the inferior by the superior in their individual capacities. Though when given so indiscriminately as to enable the inferior to multiply, such aid entails mischief; yet in the absence of aid given by society, individual aid, more generally demanded than now, and associated with a greater sense of responsibility, would, on the average, be given with the effect of fostering the unfortunate worthy rather than the innately unworthy: there being always, too, the concomitant social benefit arising from culture of the sympathies. But all this may be admitted while asserting that the radical distinction between family-ethics and State-ethics must be maintained; and that while generosity must be the essential principle of the one, justice must be the essential principle of the other—a rigorous maintenance of those normal relations among citizens under which each gets in return for his labour, skilled or unskilled, bodily or mental, as much as is proved to be its value by the demand for it: such return, therefore, as will enable him to thrive and rear offspring in proportion to the superiorities which make him valuable to himself and others.

And yet, notwithstanding the conspicuousness of these truths, which should strike every one who leaves his lexicons, and his law-deeds, and his ledgers, and looks abroad into that natural order of things under which we exist, and to which we must conform, there is continual advocacy of paternal government. The intrusion of family-ethics into the ethics of the State, instead of being regarded as socially injurious, is more and more demanded as the only efficient means to social benefit. So far has this delusion now gone,

that it vitiates the beliefs of those who might, more than all others, be thought safe from it. In the essay to which the Cobden Club awarded its prize in 1880, there occurs the assertion that "the truth of Free Trade is clouded over by the *laissez-faire* fallacy;" and we are told that "we need a great deal more paternal government—that bugbear of the old economists."*

Vitally important as is the truth above insisted upon, since acceptance or rejection of it affects the entire fabric of political conclusions formed, I may be excused if I emphasize it by here quoting certain passages contained in a work I published in 1851: premising, only, that the reader must not hold me committed to such teleological implications as they contain. After describing "that state of universal warfare maintained throughout the lower creation," and showing that an average of benefit results from it, I have continued thus:—

"Note further, that their carnivorous enemies not only remove from herbivorous herds individuals past their prime, but also weed out the sickly, the malformed, and the least fleet or powerful. By the aid of which purifying process, as well as by the fighting so universal in the pairing season, all vitiation of the race through the multiplication of its inferior samples is prevented; and the maintenance of a constitution completely adapted to surrounding conditions, and therefore most productive of happiness, is ensured.

"The development of the higher creation is a progress towards a form of being capable of a happiness undiminished by these drawbacks. It is in the human race that the consummation is to be accomplished. Civilization is the last stage of its accomplishment. And the ideal man is the man in whom all the conditions of that accomplishment are fulfilled. Meanwhile, the well-being of existing humanity, and the unfolding of it into this ultimate perfection, are both secured by that same beneficient, though severe discipline, to which the animate creation at large is subject: a discipline which is pitiless in the working out of good: a felicity-pursuing law which never swerves for the avoidance of partial and temporary suffering. The poverty of the incapable, the distresses that come upon the imprudent, the starvation of the idle, and those shoulderings aside of the weak by the strong, which leave so many 'in shallows and in miseries,' are the decrees of a large, far-seeing benevolence."

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"To become fit for the social state, man has not only to lose his savageness,

* *On the Value of Political Economy to Mankind.* By A. N. Cumming, pp. 47, 48.

but he has to acquire the capacities needful for civilized life. Power of application must be developed; such modification of the intellect as shall qualify it for its new tasks must take place; and, above all, there must be gained the ability to sacrifice a small immediate gratification for a future great one. The state of transition will of course be an unhappy state. Misery inevitably results from incongruity between constitution and conditions. All these evils which afflict us, and seem to the uninitiated the obvious consequences of this or that removable cause, are unavoidable attendants on the adaptation now in progress. Humanity is being pressed against the inexorable necessities of its new position—is being moulded into harmony with them, and has to bear the resulting unhappiness as best it can. The process *must* be undergone, and the sufferings *must* be endured. No power on earth, no cunningly-devised laws of statesmen, no world-rectifying schemes of the humane, no communist panaceas, no reforms that men ever did broach or ever will broach, can diminish them one jot. Intensified they may be, and are; and in preventing their intensification, the philanthropic will find ample scope for exertion. But there is bound up with the change a *normal* amount of suffering, which cannot be lessened without altering the very laws of life."

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"Of course, in so far as the severity of this process is mitigated by the spontaneous sympathy of men for each other, it is proper that it should be mitigated: albeit there is unquestionably harm done when sympathy is shown, without any regard to ultimate results. But the drawbacks hence arising are nothing like commensurate with the benefits otherwise conferred. Only when this sympathy prompts to a breach of equity—only when it originates an interference forbidden by the law of equal freedom—only when, by so doing, it suspends in some particular department of life the relationship between constitution and conditions, does it work pure evil. Then, however, it defeats its own end. Instead of diminishing suffering, it eventually increases it. It favours the multiplication of those worst fitted for existence, and, by consequence, hinders the multiplication of those best fitted for existence—leaving, as it does, less room for them. It tends to fill the world with those to whom life will bring most pain, and tends to keep out of it those to whom life will bring most pleasure. It inflicts positive misery, and prevents positive happiness."—*Social Statics*, pp. 322–5 and pp. 380–1 (edition of 1851).

The lapse of a third of a century since these passages were published, has brought me no reason for retreating from the position taken up in them. Contrariwise, it has brought a vast amount of evidence strengthening that position. The beneficial results of the survival of the fittest, prove to be immeasurably greater than those above indicated. The process of "natural selection," as Mr. Darwin

called it, co-operating with a tendency to variation and to inheritance of variations, he has shown to be a chief cause (though not, I believe, the sole cause) of that evolution through which all living things, beginning with the lowest and diverging and re-diverging as they evolved, have reached their present degrees of organization and adaptation to their modes of life. So familiar has this truth become that some apology seems needed for naming it. And yet, strange to say, now that this truth is recognized by most cultivated people—now that the beneficent working of the survival of the fittest has been so impressed on them that, much more than people in past times, they might be expected to hesitate before neutralizing its action—now more than ever before in the history of the world, are they doing all they can to further survival of the unfittest!

But the postulate that men are rational beings, continually leads one to draw inferences which prove to be extremely wide of the mark.*

"Yes truly; your principle is derived from the lives of brutes, and is a brutal principle. You will not persuade me that men are to be under the discipline which animals are under. I care nothing for your natural-history arguments. My conscience shows me that the feeble and the suffering must be helped; and if selfish people won't help them, they must be forced by law to help them. Don't tell me that the milk of human kindness is to be reserved for the relations between individuals, and that Governments must be the administrators of nothing but hard justice. Every man with

* The saying of Emerson that most people can understand a principle only when its light falls on a fact, induces me here to cite a fact which may carry home the above principle to those on whom, in its abstract form, it will produce no effect. It rarely happens that the amount of evil caused by fostering the vicious and good-for-nothing can be estimated. But in America, at a meeting of the States Charities Aid Association, held on December 18, 1874, a startling instance was given in detail by Dr. Harris. It was furnished by a county on the Upper Hudson, remarkable for the ratio of crime and poverty to population. Generations ago there had existed a certain "gutter-child," as she would be here called, known as "Margaret," who proved to be the prolific mother of a prolific race. Besides great numbers of idiots, imbeciles, drunkards, lunatics, paupers, and prostitutes, "the county records show two hundred of her descendants who have been criminals." Was it kindness or cruelty which, generation after generation, enabled these to muliply and become an increasing curse to the society around them? [For particulars see *The Jukes: a Study in Crime, Pauperism, Disease and Heredity.* By R. L. Dugdale. New York: Putnams.]

sympathy in him must feel that hunger and pain and squalor must be prevented; and that if private agencies do not suffice, then public agencies must be established."

Such is the kind of response which I expect to be made by nine out of ten. In some of them it will doubtless result from a fellow-feeling so acute that they cannot contemplate human misery without an impatience which excludes all thought of remote results. Concerning the susceptibilities of the rest, we may, however, be somewhat sceptical. Persons who, now in this case and now in that, are angry if, to maintain our supposed national "interests" or national "*prestige*," those in authority do not promptly send out some thousands of men to be partially destroyed while destroying other thousands of men whose intentions we suspect, or whose institutions we think dangerous to us, or whose territory our colonists want, cannot after all be so tender in feeling that contemplating the hardships of the poor is intolerable to them. Little admiration need be felt for the professed sympathies of people who urge on a policy which breaks up progressing societies; and who then look on with cynical indifference at the weltering confusion left behind, with all its entailed suffering and death. Those who, when Boers asserting their independence successfully resisted us, were angry because British "honour" was not maintained by fighting to avenge a defeat, at the cost of more mortality and misery to our own soldiers and their antagonists, cannot have so much "enthusiasm of humanity" as protests like that indicated above would lead one to expect. Indeed, along with this sensitiveness which they profess will not let them look with patience on the pains of "the battle of life" as it quietly goes on around, they appear to have a callousness which not only tolerates but enjoys contemplating the pains of battles of the literal kind; as one sees in the demand for illustrated papers containing scenes of carnage, and in the greediness with which detailed accounts of bloody engagements are read. We may reasonably have our doubts about men whose feelings are such that they cannot bear the thought of hardships borne, mostly by the idle and the improvident, and who, nevertheless, have demanded thirty-one editions of "The Fifteen Decisive Battles of the World," in which they may revel in accounts of slaughter. Nay, even still more remarkable is the contrast between the professed tender-heartedness and the actual hard-heartedness of those who would reverse the normal course of things that immediate miseries may

be prevented, even at the cost of greater miseries hereafter produced. For on other occasions you may hear them, with utter disregard of bloodshed and death, contend that in the interests of humanity at large it is well that the inferior races should be exterminated and their places occupied by the superior races. So that, marvellous to relate, though they cannot think with calmness of the evils accompanying the struggle for existence as it is carried on without violence among individuals in their own society, they contemplate with contented equanimity such evils in their intense and wholesale forms, when inflicted by fire and sword on entire communities. Not worthy of much respect then, as it seems to me, is this generous consideration of the inferior at home which is accompanied by unscrupulous sacrifice of the inferior abroad.

Still less respectable appears this extreme concern for those of our own blood which goes along with utter unconcern for those of other blood, when we observe its methods. Did it prompt personal effort to relieve the suffering, it would rightly receive approving recognition. Were the many who express this cheap pity like the few who patiently, week after week and year after year, devote large parts of their time to helping and encouraging, and occasionally amusing, those who, in some cases by ill-fortune and in other cases by incapacity or misconduct, are brought to lives of hardship, they would be worthy of unqualified admiration. The more there are of men and women who help the poor to help themselves—the more there are of those whose sympathy is exhibited directly and not by proxy, the more we may rejoice. But the immense majority of the persons who wish to mitigate by law the miseries of the unsuccessful and the reckless, propose to do this in small measure at their own cost and mainly at the cost of others — sometimes with their assent but mostly without. More than this is true; for those who are to be forced to do so much for the distressed, often equally or more require something doing for them. The deserving poor are among those who are burdened to pay the costs of caring for the undeserving poor. As, under the old Poor Law, the diligent and provident labourer had to pay that the good-for-nothings might not suffer, until frequently under this extra burden he broke down and himself took refuge in the workhouse—as, at present, it is admitted that the total rates levied in large towns for all public purposes, have now reached such a height that they "cannot be exceeded

without inflicting great hardship on the small shopkeepers and artisans, who already find it difficult enough to keep themselves free from the pauper taint;"* so in all cases, the policy is one which intensifies the pains of those most deserving of pity, that the pains of those least deserving of pity may be mitigated. In short, men who are so sympathetic that they cannot allow the struggle for existence to bring on the unworthy the sufferings consequent on their incapacity or misconduct, are so unsympathetic that they can, without hesitation, make the struggle for existence harder for the worthy, and inflict on them and their children artificial evils in addition to the natural evils they have to bear!

And here we are brought round to our original topic—the sins of legislators. Here there comes clearly before us the commonest of the transgressions which rulers commit—a transgression so common, and so sanctified by custom, that no one imagines it to be a transgression. Here we see that, as indicated at the outset, Government, begotten of aggression and by aggression, ever continues to betray its original nature by its aggressiveness; and that even what on its nearer face seems beneficence only, shows, on its remoter face, not a little maleficence—kindness at the cost of cruelty. For is it not cruel to increase the sufferings of the better that the sufferings of the worse may be decreased?

It is, indeed, marvellous how readily we let ourselves be deceived by words and phrases which suggest one aspect of the facts while leaving the opposite aspect unsuggested. A good illustration of this, and one germane to the immediate question, is seen in the use of the words "protection" and "protectionist" by the antagonists of free-trade, and in the tacit admission of its propriety by free-traders. While the one party has habitually ignored, the other party has habitually failed to emphasize, the truth that this so-called protection always involves aggression; and that the name aggressionist ought to be substituted for the name protectionist. For nothing can be more certain than that if, to maintain A's profit, B is forbidden to buy of C, or is fined to the extent of the duty if he buys of C, B is aggresssed upon that A may be "protected." Nay, "aggressionists" is a title doubly more applicable to the anti-free-traders than is the euphemistic title

* Mr. Chamberlain in *Fortnightly Review*, December, 1883, p. 772.

"protectionists;" since, that one producer may gain, ten consumers are fleeced.

Now just the like confusion of ideas, caused by looking at one face only of the transaction, may be traced throughout all the legislation which forcibly takes the property of this man for the purpose of giving gratis benefits to that man. Habitually when one of the numerous measures thus characterized is discussed, the dominant thought is concerning the pitiable Jones who is to be protected against some evil; while no thought is given to the hard-working Brown who is aggressed upon, often much more to be pitied. Money is exacted (either directly or through raised rent) from the huckster who only by extreme pinching can pay her way, from the mason thrown out of work by a strike, from the mechanic whose savings are melting away during an illness, from the widow who washes or sews from dawn to dark to feed her fatherless little ones; and all that the dissolute may be saved from hunger, that the children of less impoverished neighbours may have cheap lessons, and that various people, mostly better off, may read newspapers and novels for nothing! The error of nomenclature is, in one respect, more misleading than that which allows aggressionists to be called protectionists; for, as just shown, protection of the vicious poor involves aggression on the virtuous poor. Doubtless it is true that the greater part of the money exacted comes from those who are relatively well-off. But this is no consolation to the ill-off from whom the rest is exacted. Nay, if the comparison be made between the pressures borne by the two classes respectively, it becomes manifest that the case is even worse than at first appears; for while to the well-off the exaction means loss of luxuries, to the ill-off it means loss of necessaries.

And now see the Nemesis which is threatening to follow this chronic sin of legislators. They and their class, in common with all owners of property, are in danger of suffering from a sweeping application of that general principle practically asserted by each of these confiscating Acts of Parliament. For what is the tacit assumption on which such Acts proceed? It is the assumption that no man has any claim to his property, not even to that which he has earned by the sweat of his brow, save by permission of the community; and that the community may cancel the claim to any extent it thinks fit. No defence can be made for this appropria-

tion of A's possessions for the benefit of B, save one which sets out with the postulate that society as a whole has an absolute right over the possessions of each member. And now this doctrine, which has been tacitly assumed, is being openly proclaimed. Mr. George and his friends, Mr. Hyndman and his supporters, are pushing the theory to its logical issue. They have been instructed by examples, yearly increasing in number, that the individual has no rights but what the community may equitably over-ride; and they are now saying—"It shall go hard but we will better the instruction," and over-ride individual rights altogether.

Legislative misdeeds of the classes above indicated are in large measure explained, and reprobation of them mitigated, when we look at the matter from afar off. They have their root in the error that society is a manufacture; whereas it is a growth. Neither the culture of past times nor the culture of the present time, has given to any considerable number of people a scientific conception of a society—a conception of it as having a natural structure in which all its institutions, governmental, religious, industrial, commercial, &c. &c., are inter-dependently bound—a structure which is in a sense organic. Or if such a conception is nominally entertained, it is not entertained in such way as to be operative on conduct. Contrariwise, incorporated humanity is very commonly thought of as though it were like so much dough which the cook can mould as she pleases into pie-crust, or puff, or tartlet. The communist shows us unmistakably that he thinks of the body politic as admitting of being shaped thus or thus at will; and the tacit implication of many Acts of Parliament is that aggregated men, twisted into this or that arrangement, will remain as intended.

It may indeed be said that even irrespective of this erroneous conception of a society as a plastic mass instead of as an organized body, facts forced on his attention hour by hour should make every one sceptical as to the success of this or that proposed way of changing a people's actions. Alike to the citizen and to the legislator, home-experiences daily supply proofs that the conduct of human beings baulks calculation. He has given up the thought of managing his wife and lets her manage him. Children on whom he has tried now reprimand, now punishment, now suasion,

now reward, do not respond satisfactorily to any method; and no expostulation prevents their mother from treating them in ways he thinks mischievous. So, too, his dealings with his servants, whether by reasoning or by scolding, rarely succeed for long: the falling short of attention, or punctuality, or cleanliness, or sobriety, leads to constant changes. Yet, difficult as he finds it to deal with humanity in detail, he is confident of his ability to deal with embodied humanity. Citizens, not one-thousandth of whom he knows, not one-hundredth of whom he ever saw, and the great mass of whom belong to classes having habits and modes of thought of which he has but dim notions, he feels sure will act in certain ways he foresees, and fulfil ends he wishes. Is there not a marvellous incongruity between premises and conclusion?

One might have expected that whether they observed the implications of these domestic failures, or whether they contemplated in every newspaper the indications of a social life too vast, too varied, too involved, to be even vaguely pictured in thought, men would have entered on the business of law-making with the greatest hesitation. Yet in this more than in anything else do they show a confident readiness. Nowhere is there so astounding a contrast between the difficulty of the task and the unpreparedness of those who undertake it. Unquestionably among monstrous beliefs one of the most monstrous is that while for a simple handicraft, such as shoe-making, a long apprenticeship is needful, the sole thing which needs no apprenticeship is making a nation's laws!

Summing up the results of the discussion, may we not reasonably say that there lie before the legislator several open secrets, which yet are so open that they ought not to remain secrets to one who undertakes the vast and terrible responsibility of dealing with millions upon millions of human beings by measures which, if they do not conduce to their happiness, will increase their miseries and accelerate their deaths?

There is first of all the undeniable truth, conspicuous and yet absolutely ignored, that there are no phenomena which a society presents but what have their origins in the phenomena of individual human life, which again have their roots in vital phenomena at large. And there is the inevitable implication that unless these vital phenomena, bodily and mental, are chaotic in

their relations (a supposition excluded by the very maintenance of life) the resulting phenomena cannot be wholly chaotic: there must be some kind of order in the phenomena which grow out of them when associated human beings have to co-operate. Evidently, then, when one who has not studied such resulting phenomena of social order, undertakes to regulate society, he is pretty certain to work mischiefs.

In the second place, apart from *à priori* reasoning, this conclusion should be forced on the legislator by comparisons of societies. It ought to be sufficiently manifest that before meddling with the details of social organization, inquiry should be made whether social organization has a natural history; and that to answer this inquiry, it would be well, setting out with the simplest societies, to see in what respects social structures agree. Such comparative sociology, pursued to a very small extent, shows a substantial uniformity of genesis. The habitual existence of chieftainship, and the establishment of chiefly authority by war; the rise everywhere of the medicine man and priest; the presence of a cult having in all places the same fundamental traits; the traces of division of labour, early displayed, which gradually become more marked; and the various complications, political, ecclesiastical, industrial, which arise as groups are compounded and re-compounded by war; quickly prove to any who compares them that, apart from all their special differences, societies have general resemblances in their modes of origin and development. They present traits of structure showing that social organization has laws which over-ride individual wills; and laws the disregard of which must be fraught with disaster.

And then, in the third place, there is that mass of guiding information yielded by the records of legislation in our own country and in other countries, which still more obviously demands attention. Here and elsewhere, attempts of multitudinous kinds, made by kings and statesmen, have failed to do the good intended and have worked unexpected evils. Century after century new measures like the old ones, and other measures akin in principle, have again disappointed hopes and again brought disaster. And yet it is thought neither by electors nor by those they elect, that there is any need for systematic study of that law-making which in bygone ages went on working the ill-being of the people when it tried to achieve their well-being. Surely there can be no fitness

for legislative functions without wide knowledge of those legislative experiences which the past has bequeathed.

Reverting, then, to the analogy drawn at the outset, we must say that the legislator is morally blameless or morally blameworthy, according as he has or has not acquainted himself with these several classes of facts. A physician who, after years of study, has gained a competent knowledge of physiology, pathology and therapeutics, is not held criminally responsible if a man dies under his treatment: he has prepared himself as well as he can, and has acted to the best of his judgment. Similarly the legislator whose measures produce evil instead of good, notwithstanding the extensive and methodic inquiries which helped him to decide, cannot be held to have committed more than an error of reasoning. Contrariwise, the legislator who is wholly or in great part uninformed concerning these masses of facts which he must examine before his opinion on a proposed law can be of any value, and who nevertheless helps to pass that law, can no more be absolved if misery and mortality result, than the journeyman druggist can be absolved when death is caused by the medicine he ignorantly prescribes.

THE GREAT POLITICAL SUPERSTITION.

The great political superstition of the past was the divine right of kings. The great political superstition of the present is the divine right of parliaments. The oil of anointing seems unawares to have dripped from the head of the one on to the heads of the many, and given sacredness to them also and to their decrees.

However irrational we may think the earlier of these beliefs, we must admit that it was more consistent than is the latter. Whether we go back to times when the king was a god, or to times when he was a descendant of a god, or to times when he was god-appointed, we see good reason for passive obedience to his will. When, as under Louis XIV., theologians like Bossuet taught that kings "are gods, and share in a manner the Divine independence," or when it was thought, as by our own Tory party in old days, that "the monarch was the delegate of heaven;" it is clear that, given the premise, the inevitable conclusion was that no bounds could be set to governmental commands. But for the modern belief such a warrant does not exist. Making no pretension to divine descent or divine appointment, a legislative body can show no supernatural justification for its claim to unlimited authority; and no natural justification has ever been attempted. Hence, belief in its unlimited authority is without that consistency which of old characterized belief in a king's unlimited authority.

It is curious how commonly men continue to hold in fact, doctrines which they have rejected in name—retaining the substance after they have abandoned the form. In Theology an illustration is supplied by Carlyle, who, in his student days, giving up, as he thought, the creed of his fathers, rejected its shell only, keeping the contents; and was proved by his conceptions of the world, and man, and conduct, to be still among the sternest of Scotch

Calvinists. Similarly, Science furnishes an instance in one who united naturalism in Geology with supernaturalism in Biology—Sir Charles Lyell. While, as the leading expositor of the uniformitarian theory in Geology, he ignored wholly the Mosaic cosmogony, he long defended that belief in special creations of organic types, for which no other source than the Mosaic cosmogony could be assigned; and only in the latter part of his life surrendered to the arguments of Mr. Darwin. In Politics, as above implied, we have an analogous case. The tacitly-asserted doctrine, common to Tories, Whigs, and Radicals, that governmental authority is unlimited, dates back to times when the law-giver was supposed to have a warrant from God; and it survives still, though the belief that the law-giver has God's warrant has died out. "Oh, an Act of Parliament can do anything," is the reply made to a citizen who questions the legitimacy of some arbitrary State-interference; and the citizen stands paralyzed. It does not occur to him to ask the how, and the when, and the whence, of this asserted omnipotence bounded only by physical impossibilities.

Here we will take leave to question it. In default of the justification, once logically valid, that the ruler on Earth being a deputy of the ruler in Heaven, submission to him in all things is a duty, let us ask what reason there is for asserting the duty of submission in all things to a ruling power, constitutional or republican, which has no Heaven-derived supremacy. Evidently this inquiry commits us to a criticism of past and present theories concerning political authority. To revive questions supposed to be long since settled, may be thought to need some apology; but there is a sufficient apology in the implication above made clear, that the theory commonly accepted is ill-based or unbased.

The notion of sovereignty is that which first presents itself; and a critical examination of this notion, as entertained by those who do not postulate the supernatural origin of sovereignty, carries us back to the arguments of Hobbes.

Let us grant Hobbes's postulate that, "during the time men live without a common power to keep them all in awe, they are in that condition which is called war . . . . of every man against every man;"* though this is not true, since there are some small uncivilized societies in which, without any "common power to keep

* Hobbes, *Collected Works*, vol. iii. pp. 112–13.

them all in awe," men maintain peace and harmony better than it is maintained in societies where such a power exists. Let us suppose him to be right, too, in assuming that the rise of a ruling power over associated men, results from their desires to preserve order among themselves; though, in fact, it habitually arises from the need for subordination to a leader in war, defensive or offensive, and has originally no necessary, and often no actual, relation to the preservation of order among the combined individuals. Once more, let us admit the indefensible assumption that to escape the evils of chronic conflicts, which must otherwise continue among them, the members of a community enter into a "pact or covenant," by which they all bind themselves to surrender their primitive freedom of action, and subordinate themselves to the will of a ruling power agreed upon:* accepting, also, the implication that their descendants for ever are bound by the covenant which remote ancestors made for them. Let us, I say, not object to these data, but pass to the conclusions Hobbes draws. He says:—

"For where no covenant hath preceded, there hath no right been transferred, and every man has right to every thing; and consequently, no action can be unjust. But when a covenant is made, then to break it is *unjust:* and the definition of INJUSTICE, is no other than *the not performance of covenant.* . . . . Therefore before the names of just and unjust can have place, there must be some coercive power, to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant."†

Were people's characters in Hobbes's day really so bad as to warrant his assumption that none would perform their covenants in the absence of a coercive power and threatened penalties? In our day "the names of just and unjust can have place" quite apart from recognition of any coercive power. Among my friends I could name half a dozen whom I would implicitly trust to perform their covenants without any "terror of some punishment;" and over whom the requirements of justice would be as imperative in the absence of a coercive power as in its presence. Merely noting, however, that this unwarranted assumption vitiates Hobbes's argument for State-authority, and accepting both his premises and conclusion, we have to observe two significant implications. One is that State-authority as thus derived, is a means to an end, and has no validity save as subserving that end: if the end is not subserved,

* Hobbes, *Collected Works*, vol. iii. p. 159. † *Ibid.* pp. 130–1.

the authority, by the hypothesis, does not exist. The other is that the end for which the authority exists, as thus specified, is the enforcement of justice—the maintenance of equitable relations. The reasoning yields no warrant for other coercion over citizens than that which is required for preventing direct aggressions, and those indirect aggressions constituted by breaches of contract; to which, if we add protection against external enemies, the entire function implied by Hobbes's derivation of sovereign authority is comprehended.

Hobbes argued in the interests of absolute monarchy. His modern admirer, Austin, had for his aim to derive the authority of law from the unlimited sovereignty of one man, or of a number of men, small or large compared with the whole community. Austin was originally in the army; and it has been truly remarked that "the permanent traces left" may be seen in his *Province of Jurisprudence*. When, undeterred by the exasperating pedantries—the endless distinctions and definitions and repetitions—which serve but to hide his essential doctrines, we ascertain what these are, it becomes manifest that he assimilates civil authority to military authority: taking for granted that the one, as the other, is above question in respect of both origin and range. To get justification for positive law, he takes us back to the absolute sovereignty of the power imposing it—a monarch, an aristocracy, or that larger body of men who have votes in a democracy; for such a body also, he styles the sovereign, in contrast with the remaining portion of the community which, from incapacity or other cause, remains subject. And having affirmed, or, rather, taken for granted, the unlimited authority of the body, simple or compound, small or large, which he styles sovereign, he, of course, has no difficulty in deducing the legal validity of its edicts, which he calls positive law. But the problem is simply moved a step further back and there left unsolved. The true question is—Whence the sovereignty? What is the assignable warrant for this unqualified supremacy assumed by one, or by a small number, or by a large number, over the rest? A critic might fitly say—"We will dispense with your process of deriving positive law from unlimited sovereignty: the sequence is obvious enough. But first prove your unlimited sovereignty."

To this demand there is no response. Analyze his assumption, and the doctrine of Austin proves to have no better basis than that

of Hobbes. In the absence of admitted divine descent or appointment, neither single-headed ruler nor many-headed ruler can produce such credentials as the claim to unlimited sovereignty implies.

"But surely," will come in deafening chorus the reply, "there is the unquestionable right of the majority, which gives unquestionable right to the parliament it elects."

Yes, now we are coming down to the root of the matter. The divine right of parliaments means the divine right of majorities. The fundamental assumption made by legislators and people alike, is that a majority has powers to which no limits can be put. This is the current theory which all accept without proof as a self-evident truth. Nevertheless, criticism will, I think, show that this current theory requires a radical modification.

In an essay on "Railway Morals and Railway Policy," published in the *Edinburgh Review* for October, 1854, I had occasion to deal with the question of a majority's powers as exemplified in the conduct of public companies; and I cannot better prepare the way for conclusions presently to be drawn, than by quoting a passage from it:—

"Under whatever circumstances, or for whatever ends, a number of men co-operate, it is held that if difference of opinion arises among them, justice requires that the will of the greater number shall be executed rather than that of the smaller number; and this rule is supposed to be uniformly applicable, be the question at issue what it may. So confirmed is this conviction, and so little have the ethics of the matter been considered, that to most this mere suggestion of a doubt will cause some astonishment. Yet it needs but a brief analysis to show that the opinion is little better than a political superstition. Instances may readily be selected which prove, by *reductio ad absurdum*, that the right of a majority is a purely conditional right, valid only within specific limits. Let us take a few. Suppose that at the general meeting of some philanthropic association, it was resolved that in addition to relieving distress the association should employ home-missionaries to preach down popery. Might the subscriptions of Catholics, who had joined the body with charitable views, be rightfully used for this end? Suppose that of the members of a book-club, the greater number, thinking that under existing circumstances rifle-practice was more important than reading, should decide to change the purpose of their union, and to apply the funds in hand for the purchase of powder, ball, and targets. Would the rest be bound by this decision? Suppose that under the excitement of news from

Australia, the majority of a Freehold Land Society should determine, not simply to start in a body for the gold-diggings, but to use their accumulated capital to provide outfits. Would this appropriation of property be just to the minority? and must these join the expedition? Scarcely anyone would venture an affirmative answer even to the first of these questions; much less to the others. And why? Because everyone must perceive that by uniting himself with others, no man can equitably be betrayed into acts utterly foreign to the purpose for which he joined them. Each of these supposed minorities would properly reply to those seeking to coerce them:—'We combined with you for a defined object; we gave money and time for the furtherance of that object; on all questions thence arising we tacitly agreed to conform to the will of the greater number; but we did not agree to conform on any other questions. If you induce us to join you by professing a certain end, and then undertake some other end of which we were not apprised, you obtain our support under false pretences; you exceed the expressed or understood compact to which we committed ourselves; and we are no longer bound by your decisions.' Clearly this is the only rational interpretation of the matter. The general principle underlying the right government of every incorporated body, is, that its members contract with each other severally to submit to the will of the majority in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others. To this extent only can the contract hold. For as it is implied in the very nature of a contract, that those entering into it must know what they contract to do; and as those who unite with others for a specified object, cannot contemplate all the unspecified objects which it is hypothetically possible for the union to undertake; it follows that the contract entered into cannot extend to such unspecified objects. And if there exists no expressed or understood contract between the union and its members respecting unspecified objects, then for the majority to coerce the minority into undertaking them, is nothing less than gross tyranny."

Naturally, if such a confusion of ideas exists in respect of the powers of a majority where the deed of incorporation tacitly limits those powers, still more must there exist such a confusion where there has been no deed of incorporation. Nevertheless the same principle holds. I again emphasize the proposition that the members of an incorporated body are bound "severally to submit to the will of the majority *in all matters concerning the fulfilment of the objects for which they are incorporated; but in no others.*" And I contend that this holds of an incorporated nation as much as of an incorporated company.

"Yes, but," comes the obvious rejoinder, "as there is no deed by which the members of a nation are incorporated—as there

neither is, nor ever was, a specification of purposes for which the union was formed, there exist no limits; and, consequently, the power of the majority is unlimited."

Evidently it must be admitted that the hypothesis of a social contract, either under the shape assumed by Hobbes or under the shape assumed by Rousseau, is baseless. Nay more, it must be admitted that even had such a contract once been formed, it could not be binding on the posterity of those who formed it. Moreover, if any say that in the absence of those limitations to its powers which a deed of incorporation might imply, there is nothing to prevent a majority from imposing its will on a minority by force, assent must be given—an assent, however, joined with the comment that if the superior force of the majority is its justification, then the superior force of a despot backed by an adequate army, is also justified: the problem lapses. What we here seek is some higher warrant for the subordination of minority to majority than that arising from inability to resist physical coercion. Even Austin, anxious as he is to establish the unquestionable authority of positive law, and assuming, as he does, an absolute sovereignty of some kind, monarchic, aristocratic, constitutional, or popular, as the source of its unquestionable authority, is obliged, in the last resort, to admit a moral limit to its action over the community. While insisting, in pursuance of his rigid theory of sovereignty, that a sovereign body originating from the people "is *legally* free to abridge their political liberty, at its own pleasure or discretion," he allows that "a government may be hindered by *positive morality* from abridging the political liberty which it leaves or grants to its subjects."* Hence, we have to find, not a physical justification, but a moral justification, for the supposed absolute power of the majority.

This will at once draw forth the rejoinder—"Of course, in the absence of any agreement, with its implied limitations, the rule of the majority is unlimited; because it is more just that the majority should have its way than that the minority should have its way." A very reasonable rejoinder this seems until there comes the re-rejoinder. We may oppose to it the equally tenable proposition that, in the absence of an agreement, the supremacy of a majority over a minority does not exist at all. It is co-operation of some kind, from which there arise these powers and obligations of

* *The Province of Jurisprudence Determined* (second edition), p. 241.

majority and minority; and in the absence of any agreement to co-operate, such powers and obligations are also absent.

Here the argument apparently ends in a dead lock. Under the existing condition of things, no moral origin seems assignable either for the sovereignty of the majority or for the limitation of its sovereignty. But further consideration reveals a solution of the difficulty. For if, dismissing all thought of any hypothetical agreement to co-operate heretofore made, we ask what would be the agreement into which citizens would now enter with practical unanimity, we get a sufficiently clear answer; and with it a sufficiently clear justification for the rule of the majority inside a certain sphere, but not outside that sphere. Let us first observe a few of the limitations which at once become apparent.

Were all Englishmen now asked if they would agree to co-operate for the teaching of religion, and would give the majority power to fix the creed and the forms of worship, there would come a very emphatic "No" from a large part of them. If, in pursuance of a proposal to revive sumptuary laws, the inquiry were made whether they would bind themselves to abide by the will of the majority in respect of the fashions and qualities of their clothes, nearly all of them would refuse. In like manner if (to take an actual question of the day) people were polled to ascertain whether, in respect of the beverages they drank, they would accept the decision of the greater number, certainly half, and probably more than half, would be unwilling. Similarly with respect to many other actions which most men now-a-days regard as of purely private concern. Whatever desire there might be to co-operate for carrying on, or regulating, such actions, would be far from a unanimous desire. Manifestly, then, had social co-operation to be commenced by ourselves, and had its purposes to be specified before consent to co-operate could be obtained, there would be large parts of human conduct in respect of which co-operation would be declined; and in respect of which, consequently, no authority by the majority over the minority could be rightfully exercised.

Turn now to the converse question—For what ends would all men agree to co-operate? None will deny that for resisting invasion the agreement would be practically unanimous. Excepting only the Quakers, who, having done highly useful work in their time, are

now dying out, all would unite for defensive war (not, however, for offensive war); and they would, by so doing, tacitly bind themselves to conform to the will of the majority in respect of measures directed to that end. There would be practical unanimity, also, in the agreement to co-operate for defence against internal enemies as against external enemies. Omitting criminals, all must wish to have person and property adequately protected. In short, each citizen desires to preserve his life, to preserve those things which conduce to maintenance of his life and enjoyment of it, and to preserve intact his liberties both of using these things and getting further such. It is obvious to him that he cannot do all this if he acts alone. Against foreign invaders he is powerless unless he combines with his fellows; and the business of protecting himself against domestic invaders, if he did not similarly combine, would be alike onerous, dangerous, and inefficient. In one other co-operation all are interested—use of the territory they inhabit. Did the primitive communal ownership survive, there would survive the primitive communal control of the uses to be made of land by individuals or by groups of them; and decisions of the majority would rightly prevail respecting the terms on which portions of it might be employed for raising food, for making means of communication, and for other purposes. Even at present, though the matter has been complicated by the growth of private landownership, yet, since the State is still supreme owner (every landowner being in law a tenant of the Crown) able to resume possession, or authorize compulsory purchase, at a fair price; the implication is that the will of the majority is valid respecting the modes in which, and conditions under which, parts of the surface or sub-surface, may be utilized: involving certain agreements made on behalf of the public with private persons and companies.

Details are not needful here; nor is it needful to discuss that border region lying between these classes of cases, and to say how much is included in the last and how much is excluded with the first. For present purposes, it is sufficient to recognize the undeniable truth that there are numerous kinds of actions in respect of which men would not, if they were asked, agree with anything like unanimity to be bound by the will of the majority; while there are some kinds of actions in respect of which they would almost unanimously agree to be thus bound. Here, then, we find a definite warrant for enforcing the will of the majority within cer-

tain limits, and a definite warrant for denying the authority of its will beyond those limits.

But evidently, when analyzed, the question resolves itself into the further question—What are the relative claims of the aggregate and of its units? Are the rights of the community universally valid against the individual? or has the individual some rights which are valid against the community? The judgment given on this point underlies the entire fabric of political convictions formed, and more especially those convictions which concern the proper sphere of government. Here, then, I propose to revive a dormant controversy, with the expectation of reaching a different conclusion from that which is fashionable.

Says Professor Jevons, in his work, *The State in Relation to Labour*,—"The first step must be to rid our minds of the idea that there are any such things in social matters as abstract rights." Of like character is the belief expressed by Mr. Matthew Arnold, in his article on copyright:—"An author has no natural right to a property in his production. But then neither has he a natural right to anything whatever which he may produce or acquire."* So, too, I recently read in a weekly journal of high repute, that "to explain once more that there is no such thing as 'natural right' would be a waste of philosophy." And the view expressed in these extracts is commonly uttered by statesmen and lawyers in a way implying that only the unthinking masses hold any other.

One might have expected that utterances to this effect would have been rendered less dogmatic by the knowledge that a whole school of legists on the Continent, maintains a belief diametrically opposed to that maintained by the English school. The idea of *Natur-recht* is the root-idea of German jurisprudence. Now whatever may be the opinion held respecting German philosophy at large, it cannot be characterized as shallow. A doctrine current among a people distinguished above all others as laborious inquirers, and certainly not to be classed with superficial thinkers, should not be dismissed as though it were nothing more than a popular delusion. This, however, by the way. Along with the proposition denied in the above quotations, there goes a counter-

* *Fortnightly Review* in 1880, vol. xxvii. p. 322.

proposition affirmed. Let us see what it is; and what results when we go behind it and seek its warrant.

On reverting to Bentham, we find this counter-proposition overtly expressed. He tells us that government fulfils its office "by creating rights which it confers upon individuals: rights of personal security; rights of protection for honour; rights of property;" &c.* Were this doctrine asserted as following from the divine right of kings, there would be nothing in it manifestly incongruous. Did it come to us from ancient Peru, where the Ynca "was the source from which everything flowed;"† or from Shoa (Abyssinia), where "of their persons and worldly substance he [the king] is absolute master;"‡ or from Dahome, where "all men are slaves to the king;"§ it would be consistent enough. But Bentham, far from being an absolutist like Hobbes, wrote in the interests of popular rule. In his *Constitutional Code* || he fixes the sovereignty in the whole people; arguing that it is best "to give the sovereign power to the largest possible portion of those whose greatest happiness is the proper and chosen object," because "this proportion is more apt than any other that can be proposed" for achievement of that object.

Mark, now, what happens when we put these two doctrines together. The sovereign people jointly appoint representatives, and so create a government; the government thus created, creates rights; and then, having created rights, it confers them on the separate members of the sovereign people by which it was itself created. Here is a marvellous piece of political legerdemain! Mr. Matthew Arnold, contending, in the article above quoted, that "property is the creation of law," tells us to beware of the "metaphysical phantom of property in itself." Surely, among metaphysical phantoms the most shadowy is this which supposes a thing to be obtained by creating an agent, which creates the thing, and then confers the thing on its own creator!

From whatever point of view we consider it, Bentham's proposition proves to be unthinkable. Government, he says, fulfils itsoffice "by creating rights." Two meanings may be given to

* Bentham's Works (Bowring's edition), vol. i. p. 301.
† Prescott, *Conquest of Peru*, bk. i. ch. i.
‡ Harris, *Highlands of Æthiopia*, ii. 94.
§ Burton, *Mission to Gelele, King of Dahome*, i. p. 226.
|| Bentham's Works, vol. ix. p. 97.

the word "creating." It may be supposed to mean the production of something out of nothing; or it may be supposed to mean the giving form and structure to something which already exists. There are many who think that the production of something out of nothing cannot be conceived as effected even by omnipotence; and probably none will assert that the production of something out of nothing is within the competence of a human government. The alternative conception is that a human government creates only in the sense that it shapes something pre-existing. In that case, the question arises—"What is the something pre-existing which it shapes?" Clearly the word "creating" begs the whole question—passes off an illusion on the unwary reader. Bentham was a stickler for definiteness of expression, and in his *Book of Fallacies* has a chapter on "Impostor-terms." It is curious that he should have furnished so striking an illustration of the perverted belief which an impostor-term may generate.

But now let us overlook these various impossibilities of thought, and seek the most defensible interpretation of Bentham's view.

It may be said that the totality of all powers and rights, originally existed as an undivided whole in the sovereign people; and that this undivided whole is given in trust (as Austin would say) to a ruling power, appointed by the sovereign people, for the purpose of distribution. If, as we have seen, the proposition that rights are created is simply a figure of speech; then the only intelligible construction of Bentham's view is that a multitude of individuals, who severally wish to satisfy their desires, and have, as an aggregate, possession of all the sources of satisfaction, as well as power over all individual actions, appoint a government, which declares the ways in which, and the conditions under which, individual actions may be carried on and the satisfactions obtained. Let us observe the implications. Each man exists in two capacities. In his private capacity he is subject to the government. In his public capacity he is one of the sovereign people who appoint the government. That is to say, in his private capacity he is one of those to whom rights are given; and in his public capacity he is one of those who, through the government they appoint, give the rights. Turn this abstract statement into a concrete statement, and see what it means. Let the community consist of a million men, who, by the hypothesis, are not only joint possessors of the inhabited region, but joint possessors of all liberties of

action and appropriation: the only right recognized being that of the aggregate to everything. What follows? Each person, while not owning any product of his own labour, has, as a unit in the sovereign body, a millionth part of the ownership of the products of all others' labour. This is an unavoidable implication. As the government, in Bentham's view, is but an agent; the rights it confers are rights given to it in trust by the sovereign people. If so, such rights must be possessed *en bloc* by the sovereign people before the government, in fulfilment of its trust, confers them on individuals; and, if so, each individual has a millionth portion of these rights in his public capacity, while he has no rights in his private capacity. These he gets only when all the rest of the million join to endow him with them; while he joins to endow with them every other member of the million!

Thus, in whatever way we interpret it, Bentham's proposition leaves us in a plexus of absurdities.

Even though ignoring the opposite opinion of German writers on jurisprudence, and even without an analysis which proves their own opinion to be untenable, Bentham's disciples might have been led to treat less cavalierly the doctrine of natural rights. For sundry groups of social phenomena unite to prove that this doctrine is well warranted, and the doctrine they set against it unwarranted.

Tribes in various parts of the world show us that before definite government arises, conduct is regulated by customs. The Bechuanas are controlled by "long-acknowledged customs."* Among the Koranna Hottentots, who only "tolerate their chiefs rather than obey them,"† "when ancient usages are not in the way, every man seems to act as is right in his own eyes."‡ The Araucanians are guided by "nothing more than primordial usages or tacit conventions."§ Among the Kirghizes the judgments of the elders are based on "universally-recognized customs."‖ So,

* Burchell, W. J., *Travels into the Interior of Southern Africa*, vol. i. p. 544.

† Arbousset and Daumas, *Voyage of Exploration*, p. 27.

‡ Thompson, G., *Travels and Adventures in Southern Africa*, vol. ii., p. 30.

§ Thompson, G. A., *Alcedo's Geographical and Historical Dictionary of America*, vol. i. p. 405.

‖ Mitchell, Alex., *Siberian Overland Route*, p. 248.

too, of the Dyaks, Rajah Brooke tells us that "custom seems simply to have become the law; and breaking custom leads to a fine."* So sacred are immemorial customs with the primitive man, that he never dreams of questioning their authority; and when government arises, its power is limited by them. In Madagascar the king's word suffices only "where there is no law, custom, or precedent."† Raffles tells us that in Java "the customs of the country"‡ restrain the will of the ruler. In Sumatra, too, the people do not allow their chiefs to "alter their ancient usages."§ Nay, occasionally, as in Ashantee, "the attempt to change some customs" has caused a king's dethronement.‖ Now, among the customs which we thus find to be pre-governmental, and which subordinate governmental power when it is established, are those which recognize certain individual rights—rights to act in certain ways and possess certain things. Even where the recognition of property is least developed, there is proprietorship of weapons, tools, and personal ornaments; and, generally, the recognition goes far beyond this. Among such North-American Indians as the Snakes, who are without government, there is private ownership of horses. By the Chippewayans, "who have no regular government," game taken in private traps "is considered as private property."¶ Kindred facts concerning huts, utensils, and other personal belongings, might be brought in evidence from accounts of the Ahts, the Comanches, the Esquimaux, and the Brazilian Indians. Among various uncivilized peoples, custom has established the claim to the crop grown on a cleared plot of ground, though not to the ground itself; and the Todas, who are wholly without political organization, make a like distinction between ownership of cattle and of land. Kolff's statement respecting "the peaceful Arafuras" well sums up the evidence. They "recognize the right of property, in the fullest sense of the word, without there being any [other] authority among them than the decisions of their elders, according to the

* Brooke's, C., *Ten Years in Saráwak*, vol. i. p. 129.

† Ellis, *History of Madagascar*, vol. i. p. 377.

‡ Raffles, Sir T. S., *History of Java*, i. 274.

§ Marsden, W., *History of Sumatra*, p. 217.

‖ Beecham, J., *Ashantee and the Gold Coast*, p. 90.

¶ Schoolcraft, H. R., *Expedition to the Sources of the Mississippi River*, v. 177.

customs of their forefathers."* But even without seeking proofs among the uncivilized, sufficient proofs are furnished by early stages of the civilized. Bentham and his followers seem to have forgotten that our own common law is mainly an embodiment of "the customs of the realm." It did but give definite shape to that which it found existing. Thus, the fact and the fiction are exactly opposite to what they allege. The fact is that property was well recognized before law existed; the fiction is that "property is the creation of law."

Considerations of another class might alone have led them to pause had they duly considered their meanings. Were it true, as alleged by Bentham, that Government fulfils its office "by creating rights which it confers on individuals;" then, the implication would be, that there should be nothing approaching to uniformity in the rights conferred by different governments. In the absence of a determining cause over-ruling their decisions, the probabilities would be many to one against considerable correspondence among their decisions. But there is very great correspondence. Look where we may, we find that governments interdict the same kinds of aggressions; and, by implication, recognize the same kinds of claims. They habitually forbid homicide, theft, adultery: thus asserting that citizens may not be trespassed against in certain ways. And as society advances, minor individual claims are protected by giving remedies for breach of contract, libel, false witness, &c. In a word, comparisons show that though codes of law differ in their details as they become elaborated, they agree in their fundamentals. What does this prove? It cannot be by chance that they thus agree. They agree because the alleged creating of rights was nothing else than giving formal sanction and better definition to those assertions of claims and recognitions of claims which naturally originate from the individual desires of men who have to live in presence of one another.

Comparative Sociology discloses another group of facts having the same implication. Along with social progress it becomes in an increasing degree the business of the State, not only to give formal sanction to men's rights, but also to defend them against aggressors. Before permanent government exists, and in many cases after it is considerably developed, the rights of each individual

* Earl's *Kolff's Voyage of the Domga*, p. 161.

are asserted and maintained by himself, or by his family. Alike among savage tribes at present, among civilized peoples in the past, and even now in unsettled parts of Europe, the punishment for murder is a matter of private concern: "the sacred duty of blood revenge" devolves on some one of a cluster of relatives. Similarly, compensations for aggressions on property and for injuries of other kinds, are in early states of society independently sought by each man or family. But as social organization advances, the central ruling power undertakes more and more to secure to individuals their personal safety, the safety of their possessions, and, to some extent, the enforcement of their claims established by contract. Originally concerned almost exclusively with defence of the society as a whole against other societies, or with conducting its attacks on other societies, Government has come more and more to discharge the function of defending individuals against one another. It needs but to recall the days when men habitually carried weapons, or to bear in mind the greater safety to person and property achieved by improved police-administration during our own time, or to note the increased facilities now given for recovering small debts, to see that the insuring to each individual the unhindered pursuit of the objects of life, within limits set by others' like pursuits, is more and more recognized as a duty of the State. In other words, along with social progress, there goes not only a fuller recognition of these which we call natural rights, but also a better enforcement of them by Government: Government becomes more and more the servant to these essential pre-requisites for individual welfare.

An allied and still more significant change has accompanied this. In early stages, at the same time that the State failed to protect the individual against aggression, it was itself an aggressor in multitudinous ways. Those ancient societies which progressed enough to leave records, having all been conquering societies, show us everywhere the traits of the militant *régime*. As, for the effectual organization of fighting bodies, the soldiers, absolutely obedient, must act independently only when commanded to do it; so, for the effectual organization of fighting societies, citizens must have their individualities subordinated. Private claims are over-ridden by public claims; and the subject loses much of his freedom of action. One result is that the system of regimentation, pervading the society as well as the army, causes detailed regulation of conduct.

The dictates of the ruler, sanctified by ascription of them to his divine ancestor, are unrestrained by any conception of individual liberty; and they specify men's actions to an unlimited extent—down to kinds of food eaten, modes of preparing them, shaping of beards, fringing of dresses, sowing of grain, &c. This omnipresent control, which the ancient Eastern nations in general exhibited, was exhibited also in large measure by the Greeks; and was carried to its greatest pitch in the most militant city, Sparta. Similarly during mediæval days throughout Europe, characterized by chronic warfare with its appropriate political forms and ideas, there were scarcely any bounds to Governmental interference: agriculture, manufactures, trade, were regulated in detail; religious beliefs and observances were imposed; and rulers said by whom alone furs might be worn, silver used, books issued, pigeons kept, &c. &c. But along with increase of industrial activities, and implied substitution of the *régime* of contract for the *régime* of status, and growth of associated sentiments, there went (until the recent reaction accompanying reversion to militant activity) a decrease of meddling with people's doings. Legislation gradually ceased to regulate the cropping of fields, or dictate the ratio of cattle to acreage, or specify modes of manufacture and materials to be used, or fix wages and prices, or interfere with dresses and games (except where there was gambling), or put bounties and penalties on imports or exports, or prescribe men's beliefs, religious or political, or prevent them from combining as they pleased, or travelling where they liked. That is to say, throughout a large range of conduct, the right of the citizen to uncontrolled action has been made good against the pretensions of the State to control him. While the ruling agency has increasingly helped him to exclude intruders from that private sphere in which he pursues the objects of life, it has itself retreated from that sphere; or, in other words—decreased its intrusions.

Not even yet have we noted all the classes of facts which tell the same story. It is told afresh in the improvements and reforms of law itself; as well as in the admissions and assertions of those who have effected them. "So early as the fifteenth century," says Professor Pollock, "we find a common-law judge declaring that, as in a case unprovided for by known rules the civilians and canonists devise a new rule according to 'the law of nature which is the ground of all laws,' the Courts of Westminster can and will

do the like."* Again, our system of Equity, introduced and developed as it was to make up for the shortcomings of Common-law, or rectify its inequities, proceeded throughout on a recognition of men's claims considered as existing apart from legal warrant. And the changes of law now from time to time made after resistance, are similarly made in pursuance of current ideas concerning the requirements of justice: ideas which, instead of being derived from the law, are opposed to the law. For example, that recent Act which gives to a married woman a right of property in her own earnings, evidently originated in the consciousness that the natural connexion between labour expended and benefit enjoyed, is one which should be maintained in all cases. The reformed law did not create the right, but recognition of the right created the reformed law.

Thus, historical evidences of five different kinds unite in teaching that, confused as are the popular notions concerning rights, and including, as they do, a great deal which should be excluded, yet they shadow forth a truth.

It remains now to consider the original source of this truth. In a previous paper I have spoken of the open secret, that there can be no social phenomena but what, if we analyze them to the bottom, bring us down to the laws of life; and that there can be no true understanding of them without reference to the laws of life. Let us, then, transfer this question of natural rights from the court of politics to the court of science—the science of life. The reader need feel no alarm: its simplest and most obvious facts will suffice. We will contemplate first the general conditions to individual life; and then the general conditions to social life. We shall find that both yield the same verdict.

Animal life involves waste; waste must be met by repair; repair implies nutrition. Again, nutrition presupposes obtainment of food; food cannot be got without powers of prehension, and, usually, of locomotion; and that these powers may achieve their ends, there must be freedom to move about. If you shut up a mammal in a small space, or tie its limbs together, or take from it the food it has procured, you eventually, by persistence in one or other of these courses, cause its death. Passing a certain point, hindrance to the

* "The Methods of Jurisprudence: an Introductory Lecture at University College, London," October 31, 1882.

fulfilment of these requirements is fatal. And all this, which holds of the higher animals at large, of course holds of man.

If we adopt pessimism as a creed, and with it accept the implication that life in general being an evil should be put an end to, then there is no ethical warrant for these actions by which life is maintained: the whole question drops. But if we adopt either the optimist view or the meliorist view—if we say that life on the whole brings more pleasure than pain; or that it is on the way to become such that it will yield more pleasure than pain; then these actions by which life is maintained are justified, and there results a warrant for the freedom to perform them. Those who hold that life is valuable, hold, by implication, that men ought not to be prevented from carrying on life-sustaining activities. In other words, if it is said to be "right" that they should carry them on, then, by permutation, we get the assertion that they "have a right" to carry them on. Clearly the conception of "natural rights" originates in recognition of the truth that if life is justifiable, there must be a justification for the performance of acts essential to its preservation; and, therefore, a justification for those liberties and claims which make such acts possible.

But being true of other creatures as of man, this is a proposition lacking ethical character. Ethical character arises only with the distinction between what the individual *may* do in carrying on his life-sustaining activities, and what he *may not* do. This distinction obviously results from the presence of his fellows. Among those who are in close proximity, or even at some distance apart, the doings of each are apt to interfere with the doings of others; and in the absence of proof that some may do what they will without limit, while others may not, mutual limitation is necessitated. The non-ethical form of the right to pursue ends, passes into the ethical form, when there is recognized the difference between acts which can be performed without transgressing the limits, and others which cannot be so performed.

This, which is the *à priori* conclusion, is the conclusion yielded *à posteriori*, when we study the doings of the uncivilized. In its vaguest form, mutual limitation of spheres of action, and the ideas and sentiments associated with it, are seen in the relations of groups to one another. Habitually there come to be established, certain bounds to the territories within which each tribe obtains its livelihood; and these bounds, when not respected, are defended. Among

the Wood-Veddahs, who have no political organization, the small clans have their respective portions of forest; and "these conventional allotments are always honourably recognized."* Of the ungoverned tribes of Tasmania, we are told that "their hunting grounds were all determined, and trespassers were liable to attack."† And, manifestly, the quarrels caused among tribes by intrusions on one another's territories, tend, in the long run, to fix bounds and to give a certain sanction to them. As with each inhabited area, so with each inhabiting group. A death in one, rightly or wrongly ascribed to somebody in another, prompts "the sacred duty of blood-revenge;" and though retaliations are thus made chronic, some restraint is put on new aggressions. Like causes worked like effects in those early stages of civilized societies, during which families or clans, rather than individuals, were the political units; and during which each family or clan had to maintain itself and its possessions against others such. This mutual restraint, which in the nature of things arises between small communities, similarly arises between individuals in each community; and the ideas and usages appropriate to the one are more or less appropriate to the other. Though within each group there is ever a tendency for the stronger to aggress on the weaker; yet, in most cases, consciousness of the evils resulting from aggressive conduct serves to restrain. Everywhere among primitive peoples, trespasses are followed by counter-trespasses. Says Turner of the Tannese, "adultery and some other crimes are kept in check by the fear of club-law."‡ Fitzroy tells us that the Patagonian, "if he does not injure or offend his neighbour, is not interfered with by others:"§ personal vengeance being the penalty for injury. We read of the Uaupés that "they have very little law of any kind; but what they have is of strict retaliation,—an eye for an eye and a tooth for a tooth."‖ And that the *lex talionis* tends to establish a distinction between what each member of the community may safely do and what he may not safely do, and consequently to give sanctions to actions within a certain range but not beyond that range, is obvious. Though, says Schoolcraft of the Chippewayans, they "have no regular government, as every man is lord in his

* Tennant, *Ceylon; an Account of the Island, &c.*, ii. 440.

† Bonwick, J., *Daily Life and Origin of the Tasmanians*, 83.

‡ *Polynesia*, p. 86.

§ *Voyages of the Adventure and Beagle*, ii. 167.

‖ Wallace, A. R., *Travels on Amazon and Rio Negro*, p. 499.

own family, they are influenced more or less by certain principles which conduce to their general benefit:"* one of the principles named being recognition of private property.

How mutual limitation of activities originates the ideas and sentiments implied by the phrase "natural rights," we are shown most distinctly by the few peaceful tribes which have either nominal governments or none at all. Beyond those facts which illustrate scrupulous regard for one another's claims among the Todas, Santals, Lepchas, Bodo, Chakmas, Jakuns, Arafuras, &c., we have the fact that the utterly uncivilized Wood-Veddahs, without any social organization at all, "think it perfectly inconceivable that any person should ever take that which does not belong to him, or strike his fellow, or say anything that is untrue."† Thus it becomes clear, alike from analysis of causes and observation of facts, that while the positive element in the right to carry on life-sustaining activities, originates from the laws of life, that negative element which gives ethical character to it, originates from the conditions produced by social aggregation.

So alien to the truth, indeed, is the alleged creation of rights by government, that, contrariwise, rights having been established more or less clearly before government arises, become obscured as government develops along with that militant activity which, both by the taking of slaves and the establishment of ranks, produces *status;* and the recognition of rights begins again to get definiteness only as fast as militancy ceases to be chronic and governmental power declines.

When we turn from the life of the individual to the life of the society, the same lesson is taught us.

Though mere love of companionship prompts primitive men to live in groups, yet the chief prompter is experience of the advantages to be derived from co-operation. On what condition only can co-operation arise? Evidently on condition that those who join their efforts severally gain by doing so. If, as in the simplest cases, they unite to achieve something which each by himself cannot achieve, or can achieve less readily, it must be on the tacit understanding, either that they shall share the benefit (as when

* Schoolcraft. *Expedition to the Sources of the Mississippi*, v. 177.

† B. F. Hartshorne, *Fortnightly Review*, March 1876. See also H. C. Sirr, *Ceylon and the Ceylonese*, ii. 219.

game is caught by a party of them) or that if one reaps all the benefit now (as in building a hut or clearing a plot) the others shall severally reap equivalent benefits in their turns. When, instead of efforts joined in doing the same thing, different things are effected by them—when division of labour arises, with accompanying barter of products, the arrangement implies that each, in return for something which he has in superfluous quantity, gets an approximate equivalent of something which he wants. If he hands over the one and does not get the other, future proposals to exchange will meet with no response. There will be a reversion to that rudest condition in which each makes everything for himself. Hence the possibility of co-operation depends on fulfilment of contract, tacit or overt.

Now this which we see must hold of the very first step towards that industrial organization by which the life of a society is maintained, must hold more or less fully throughout its development. Though the militant type of organization, with its system of *status* produced by chronic war, greatly obscures these relations of contract, yet they remain partially in force. They still hold between freemen, and between the heads of those small groups which form the units of early societies; and, in a measure, they still hold within these small groups themselves; since survival of them as groups, implies such recognition of the claims of their members, even when slaves, that in return for their labours they get sufficiencies of food, clothing, and protection. And when, with diminution of warfare and growth of trade, voluntary co-operation more and more replaces compulsory co-operation, and the carrying on of social life by exchange under agreement, partially suspended for a time, gradually re-establishes itself; its re-establishment makes possible that vast elaborate industrial organization by which a great nation is sustained.

For in proportion as contracts are unhindered and the performance of them certain, the growth is great and the social life active. It is not now by one or other of two individuals who contract, that the evil effects of breach of contract are experienced. In an advanced society, they are experienced by entire classes of producers and distributors, which have arisen through division of labour; and, eventually, they are experienced by everybody. Ask on what condition it is that Birmingham devotes itself to manufacturing hardware, or part of Staffordshire to making pottery, or

Lancashire to weaving cotton. Ask how the rural people who here grow wheat and there pasture cattle, find it possible to occupy themselves in their special businesses. These groups can severally thus act only if each gets from the others in exchange for its own surplus product, due shares of their surplus products. No longer directly effected by barter, this obtainment of their respective shares of one another's products is indirectly effected by money; and if we ask how each division of producers gets its due amount of the required money, the answer is—by fulfilment of contract. If Leeds makes woollens and does not, by fulfilment of contract, receive the means of obtaining from agricultural districts the needful quantity of food, it must starve, and stop producing woollens. If South Wales smelts iron and there comes no equivalent agreed upon, enabling it to get fabrics for clothing, its industry must cease. And so throughout, in general and in detail. That mutual dependence of parts which we see in social organization, as in individual organization, is possible only on condition that while each part does the particular kind of work it has become adjusted to, it receives its proportion of those materials required for repair and growth, which all the other parts have joined to produce: such proportion being settled by bargaining. Moreover, it is by fulfilment of contract that there is effected a balancing of all the various products to the various needs—the large manufacture of knives and the small manufacture of lancets; the great growth of wheat and the little growth of mustard-seed. The check on undue production of each commodity, results from finding that after a certain quantity, no one will agree to take any further quantity on terms that yield an adequate money equivalent. And so there is prevented a useless expenditure of labour in producing that which society does not want.

Lastly, we have to note the still more significant fact that the condition under which only, any specialized group of workers can grow when the community needs more of its particular kind of work, is that contracts shall be free and fulfilment of them enforced. If when, from lack of material, Lancashire failed to supply the usual quantity of cotton-goods, there had been such interference with contracts as prevented Yorkshire from asking a greater price for its woollens, which it was enabled to do by the greater demand for them, there would have been no temptation to put more capital into the woollen manufacture, no increase in the

amount of machinery and number of artizans employed, and no increase of woollens: the consequence being that the whole community would have suffered from not having deficient cottons replaced by extra woollens. What serious injury may result to a nation if its members are hindered from contracting with one another, was well shown in the contrast between England and France in respect of railways. Here, though obstacles were at first raised by classes predominant in the legislature, the obstacles were not such as prevented capitalists from investing, engineers from furnishing directive skill, or contractors from undertaking works; and the high interest originally obtained on investments, the great profits made by contractors, and the large payments received by engineers, led to that drafting of money, energy, and ability, into railway-making, which rapidly developed our railway-system, to the enormous increase of our national prosperity. But when M. Thiers, then Minister of Public Works, came over to inspect, and having been taken about by Mr. Vignoles, said to him when leaving:—"I do not think railways are suited to France,"* there resulted, from the consequent policy of hindering free contract, a delay of "eight or ten years" in that material progress which France experienced when railways were made.

What do all these facts means? They mean that for the healthful activity and due proportioning of those industries, occupations, professions, which maintain and aid the life of a society, there must, in the first place, be few restrictions on men's liberties to make agreements with one another, and there must, in the second place, be an enforcement of the agreements which they do make. As we have seen, the checks naturally arising to each man's actions when men become associated, are those only which result from mutual limitation; and there consequently can be no resulting check to the contracts they voluntarily make: interference with these is interference with those rights to free action which remain to each when the rights of others are fully recognized. And then, as we have seen, enforcement of their rights implies enforcement of contracts made; since breach of contract is indirect aggression. If, when a customer on one side of the counter asks a shopkeeper on the other for a shilling's worth of his goods, and, while the shopkeeper's back is turned, walks off with the goods

* Address of C. B. Vignoles, Esq., F.R.S., on his Election as President of the Institution of Civil Engineers, Session 1869-70, p. 53.

without leaving the shilling he tacitly contracted to give, his act differs in no essential way from robbery. In each such case the individual injured is deprived of something he possessed, without receiving the equivalent something bargained for; and is in the state of having expended his labour without getting benefit—has had an essential condition to the maintenance of life infringed.

Thus, then, it results that to recognize and enforce the rights of individuals, is at the same time to recognize and enforce the conditions to a normal social life. There is one vital requirement for both.

Before turning to those corollaries which have practical applications, let us observe how the special conclusions drawn converge to the one general conclusion originally foreshadowed—glancing at them in reversed order.

We have just found that the pre-requisite to individual life is in a double sense the pre-requisite to social life. The life of a society, in whichever of two senses conceived, depends on maintenance of individual rights. If it is nothing more than the sum of the lives of citizens, this implication is obvious. If it consists of those many unlike activities which citizens carry on in mutual dependence, still this aggregate impersonal life rises or falls according as the rights of individuals are enforced or denied.

Study of men's politico-ethical ideas and sentiments, leads to allied conclusions. Primitive peoples of various types show us that before governments exist, immemorial customs recognize private claims and justify maintenance of them. Codes of law independently evolved by different nations, agree in forbidding certain trespasses on the persons, properties, and liberties of citizens; and their correspondences imply, not an artificial source for individual rights, but a natural source. Along with social development, the formulating in law of the rights pre-established by custom, becomes more definite and elaborate. At the same time, Government undertakes to an increasing extent the business of enforcing them. While it has been becoming a better protector, Government has been becoming less aggressive—has more and more diminished its intrusions on men's spheres of private action. And, lastly, as in past times laws were avowedly modified to fit better with current ideas of equity; so now, law-reformers are

guided by ideas of equity which are not derived from law but to which law has to conform.

Here, then, we have a politico-ethical theory justified alike by analysis and by history. What have we against it? A fashionable counter-theory which proves to be unjustifiable. On the one hand, while we find that individual life and social life both imply maintenance of the natural relation between efforts and benefits; we also find that this natural relation, recognized before Government existed, has been all along asserting and re-asserting itself, and obtaining better recognition in codes of law and systems of ethics. On the other hand, those who, denying natural rights, commit themselves to the assertion that rights are artificially created by law, are not only flatly contradicted by facts, but their assertion is self-destructive: the endeavour to substantiate it, when challenged, involves them in manifold absurdities.

Nor is this all. The re-institution of a vague popular conception in a definite form on a scientific basis, leads us to a rational view of the relation between the wills of majorities and minorities. It turns out that those co-operations in which all can voluntarily unite, and in the carrying on of which the will of the majority is rightly supreme, are co-operations for maintaining the conditions requisite to individual and social life. Defence of the society as a whole against external invaders, has for its remote end to preserve each citizen in possession of such means as he has for satisfying his desires, and in possession of such liberty as he has for getting further means. And defence of each citizen against internal invaders, from murderers down to those who inflict nuisances on their neighbours, has obviously the like end—an end desired by every one save the criminal and disorderly. Hence it follows that for maintenance of this vital principle, alike of individual life and social life, subordination of minority to majority is legitimate; as implying only such a trenching on the freedom and property of each, as is requisite for the better protecting of his freedom and property. At the same time it follows that such subordination is not legitimate beyond this; since, implying as it does a greater aggression upon the individual than is requisite for protecting him, it involves a breach of the vital principle which is to be maintained.

Thus we come round again to the proposition that the assumed

divine right of parliaments, and the implied divine right of majorities, are superstitions. While men have abandoned the old theory respecting the source of State-authority, they have retained a belief in that unlimited extent of State-authority which rightly accompanied the old theory, but does not rightly accompany the new one. Unrestricted power over subjects, rationally ascribed to the ruling man when he was held to be a deputy-god, is now ascribed to the ruling body, the deputy-godhood of which nobody asserts.

Opponents will, possibly, contend that discussions about the origin and limits of governmental authority are mere pedantries. "Government," they may perhaps say, "is bound to use all the means it has, or can get, for furthering the general happiness. Its aim must be utility; and it is warranted in employing whatever measures are needful for achieving useful ends. The welfare of the people is the supreme law; and legislators are not to be deterred from obeying that law by questions concerning the source and range of their power." Is there really an escape here? or may this opening be effectually closed?

The essential question raised is the truth of the utilitarian theory as commonly held; and the answer here to be given is that, as commonly held, it is not true. Alike by the statements of utilitarian moralists, and by the acts of politicians knowingly or unknowingly following their lead, it is implied that utility is to be directly determined by simple inspection of the immediate facts and estimation of probable results. Whereas, utilitarianism as rightly understood, implies guidance by the general conclusions which analysis of experience yields. "Good and bad results cannot be accidental, but must be necessary consequences of the constitution of things;" and it is "the business of Moral Science to deduce, from the laws of life and the conditions of existence, what kinds of action necessarily tend to produce happiness, and what kinds to produce unhappiness."* Current utilitarian speculation, like current practical politics, shows inadequate consciousness of natural causation. The habitual thought is that, in the absence of some obvious impediment, things can be done this way or that way; and no question is put whether there is either agreement or conflict with the normal working of things.

The foregoing discussions have, I think, shown that the dictates

* *Data of Ethics*, § 21. See also §§ 56–62.

of utility, and, consequently, the proper actions of goverments, are not to be settled by inspection of facts on the surface, and acceptance of their *primâ facie* meanings; but are to be settled by reference to, and deduction from, fundamental facts. The fundamental facts to which all rational judgments of utility must go back, are the facts that life consists in, and is maintained by, certain activities; and that among men in a society, these activities, necessarily becoming mutually limited, are to be carried on by each within the limits thence arising, and not carried on beyond those limits: the maintenance of the limits becoming, by consequence, the function of the agency which regulates society. If each, having freedom to use his powers up to the bounds fixed by the like freedom of others, obtains from his fellow-men as much for his services as they find them worth in comparison with the services of others—if contracts uniformly fulfilled bring to each the share thus determined, and he is left secure in person and possessions to satisfy his wants with the proceeds; then there is maintained the vital principle alike of individual life and of social life. Further, there is maintained the vital principle of social progress; inasmuch as, under such conditions, the individuals of most worth will prosper and multiply more than those of less worth. So that utility, not as empirically estimated but as rationally determined, enjoins this maintenance of individual rights; and, by implication, negatives any course which traverses them.

Here, then, we reach the ultimate interdict against meddling legislation. Reduced to its lowest terms, every proposal to interfere with citizens' activities further than by enforcing their mutual limitations, is a proposal to improve life by breaking through the fundamental conditions to life. When some are prevented from buying beer that others may be prevented from getting drunk, those who make the law assume that more good than evil will result from interference with the normal relation between conduct and consequences, alike in the few ill-regulated and the many well-regulated. A government which takes fractions of the incomes of multitudinous people, for the purpose of sending to the colonies some who have not prospered here, or for building better industrial dwellings, or for making public libraries and public museums, &c., takes for granted that, not only proximately but ultimately, increased general happiness will result from transgressing the essential requirement to general happiness—the requirement that

each shall enjoy all those means to happiness which his actions, carried on without aggression, have brought him. In other cases we do not thus let the immediate blind us to the remote. When asserting the sacredness of property against private transgressors, we do not ask whether the benefit to a hungry man who takes bread from a baker's shop, is or is not greater than the injury inflicted on the baker: we consider, not the special effects, but the general effects which arise if property is insecure. But when the State exacts further amounts from citizens, or further restrains their liberties, we consider only the direct and proximate effects, and ignore the indirect and distant effects which are caused when these invasions of individual rights are continually multiplied. We do not see that by accumulated small infractions of them, the vital conditions to life, individual and social, come to be so imperfectly fulfilled that the life decays.

Yet the decay thus caused becomes manifest where the policy is pushed to an extreme. Any one who studies, in the writings of MM. Taine and de Tocqueville, the state of things which preceded the French Revolution, will see that that tremendous catastrophe came about from so excessive a regulation of men's actions in all their details, and such an enormous drafting away of the products of their actions to maintain the regulating organization, that life was fast becoming impracticable. The empirical utilitarianism of that day, like the empirical utilitarianism of our day, differed from rational utilitarianism in this, that in each successive case it contemplated only the effects of particular interferences on the actions of particular classes of men, and ignored the effects produced by a multiplicity of such interferences on the lives of men at large. And if we ask what then made, and what now makes, this error possible, we find it to be the political superstition that governmental power is subject to no restraints.

When that "divinity" which "doth hedge a king," and which has left a glamour around the body inheriting his power, has quite died away—when it begins to be seen clearly that, in a popularly-governed nation, the government is simply a committee of management; it will also be seen that this committee of management has no intrinsic authority. The inevitable conclusion will be that its authority is given by those appointing it; and has just such bounds as they choose to impose. Along with this will go the further conclusion that the laws it passes are not in themselves

sacred; but that whatever sacredness they have, it is entirely due to the ethical sanction—an ethical sanction which, as we find, is derivable from the laws of human life as carried on under social conditions. And there will come the corollary that when they have not this ethical sanction they have no sacredness, and may rightly be challenged.

The function of Liberalism in the past was that of putting a limit to the powers of kings. The function of true Liberalism in the future will be that of putting a limit to the powers of Parliaments.

POSTSCRIPT.

"Do I expect this doctrine to meet with any considerable acceptance?" I wish I could say, yes; but unhappily various reasons oblige me to conclude that only here and there a solitary citizen may have his political creed modified. Of these reasons there is one from which all the others originate.

This essential reason is that the restriction of governmental power within the limits assigned, is appropriate to the industrial type of society only; and, while wholly incongruous with the militant type of society, is partially incongruous with that semi-militant semi-industrial type, which now characterizes advanced nations. At every stage of social evolution there must exist substantial agreement between practices and beliefs—real beliefs I mean, not nominal ones. Life can be carried on only by the harmonizing of thoughts and acts. Either the conduct required by circumstances must modify the beliefs to fit it; or else the changed beliefs must eventually modify the conduct.

Hence if the maintenance of social life under one set of conditions, necessitates extreme subordination to a ruler and entire faith in him, there will be established a theory that the subordination and the faith are proper—nay imperative. Conversely if, under other conditions, great subjection of citizens to government is no longer needful for preservation of the national life—if, contrari wise, the national life becomes larger in amount and higher in quality as fast as citizens gain increased freedom of action; there comes a progressive modification of their political theory, having the result of diminishing their faith in governmental action, increasing their tendency to question governmental authority, and leading them in more numerous cases to resist governmental power: involving, eventually, an established doctrine of limitation.

Thus it is not to be expected that current opinion respecting governmental authority, can at present be modified to any great extent. But let us look at the necessities of the case more closely.

Manifestly the success of an army depends very much on the faith of the soldiers in their general: disbelief in his ability will go far towards paralyzing them in battle; while absolute confidence in him will make them fulfil their respective parts with courage and energy. If, as in the normally-developed militant type of society, the ruler in peace and the leader in war are one and the same, this confidence in him extends from military action to civil action; and the society, in large measure identical with the army, willingly accepts his judgments as law-giver. Even where the civil head, ceasing to be the military head, does his generalship by deputy, there still clings to him the traditional faith.

Similarly with the willingness to obey. Other things equal an army of insubordinate soldiers fails before an army of subordinate soldiers. Those whose obedience to their leader is perfect and prompt, are obviously more likely to succeed in battle than are those who disregard the commands issued to them. And as with the army so with the society as a whole; success in war must largely depend on that conformity to the ruler's will which brings men and money when wanted, and adjusts all conduct to his needs.

Thus by survival of the fittest, the militant type of society becomes characterized by profound faith in the governing power, joined with a loyalty causing submission to it in all matters whatever. And there must tend to be established among those who speculate about political affairs in a militant society, a theory giving form to the needful ideas and feelings; accompanied by assertions that the law-giver if not divine in nature is divinely directed, and that unlimited obedience to him is divinely ordered.

Change in the ideas and feelings which thus become characterestic of the militant form of organisation, can take place only where circumstances favour development of the industrial form of organization. Being carried on by voluntary co-operation instead of by compulsory co-operation, industrial life as we now know it, habituates men to independent activities, leads them to enforce

their own claims while respecting the claims of others, strengthens the consciousness of personal rights, and prompts them to resist excesses of governmental control. But since the circumstances which render war less frequent arise but slowly, and since the modifications of nature caused by the transition from a life predominantly militant to a life predominantly industrial can therefore go on only little by little, it happens that the old sentiments and ideas give place to new ones, by small degrees only. And there are several reasons why the transition not only is, but ought to be, gradual. Here are some of them.

In the primitive man and in man but little civilized, there does not exist the nature required for extensive voluntary co-operations. Efforts willingly united with those of others for a common advantage, imply, if the undertaking is large, a perseverance he does not possess. Moreover, where the benefits to be achieved are distant and unfamiliar, as are many for which men now-a-days combine, there needs a strength of constructive imagination not to be found in the minds of the uncivilized. And yet again, great combinations of a private kind for wholesale production, for large enterprises, and for other purposes, require a graduated subordination of the united workers—a graduated subordination such as that which militancy produces. In other words, the way to the developed industrial type as we now know it, is through the militant type; which, by discipline generates in long ages the power of continuous application, the willingness to act under direction (now no longer coercive but agreed to under contract) and the habit of achieving large results by organizations.

Consequently, during long stages of social evolution there needs, for the management of all matters but the simplest, a governmental power great in degree and wide in range, with a correlative faith in it and obedience to it. Hence the fact that, as the records of early civilizations show us, and as we are shown in the East at present, large undertakings can be achieved only by State-action. And hence the fact that only little by little can voluntary co-operation replace compulsory co-operation, and rightly bring about a correlative decrease of faith in governmental ability and authority.

Chiefly, however, the maintenance of this faith is necessitated by the maintenance of fitness for war. This involves continuance of such confidence in the ruling agency, and such subordination to it,

as may enable it to wield all the forces of the society on occasions of attack or defence; and there must survive a political theory justifying the faith and the obedience. While their sentiments and ideas are of kinds which perpetually endanger peace, it is requisite that men should have such belief in the authority of government as shall give it adequate coercive power over them for war purposes—a belief in its authority which inevitably, at the same time, gives it coercive power over them for other purposes.

Thus, as said at first, the fundamental reason for not expecting much acceptance of the doctrine set forth, is that we have at present but partially emerged from the militant *régime* and have but partially entered on that industrial *régime* to which this doctrine is proper.

So long as the religion of enmity predominates over the religion of amity, the current political superstition must hold its ground. While throughout Europe, the early culture of the ruling classes is one which every day of the week holds up for admiration those who in ancient times achieved the greatest feats in battle, and only on Sunday repeats the injunction to put up the sword—while these ruling classes are subject to a moral discipline consisting of six-sevenths pagan example and one-seventh Christian precept; there is no likelihood that there will arise such international relations as may make a decline in governmental power practicable, and a corresponding modification of political theory acceptable. While among ourselves the administration of colonial affairs is such that native tribes who retaliate on Englishmen by whom they have been injured, are punished, not on their own savage principle of life for life, but on the improved civilized principle of wholesale massacre in return for single murder, there is little chance that a political doctrine consistent only with unaggressive conduct will gain currency. While the creed men profess is so interpreted that one of them who at home addresses missionary meetings, seeks, when abroad, to foment a quarrel with an adjacent people whom he wishes to subjugate, and then receives public honours after his death, it is not likely that the relations of our society to other societies will become such that there can spread to any extent that doctrine of limited governmental functions accompanying the diminished governmental authority proper to a peaceful state. A nation which, interested

in ecclesiastical squabbles about the ceremonies of its humane cult, cares so little about the essence of that cult that fillibustering in its colonies receives applause rather than reprobation, and is not denounced even by the priests of its religion of love, is a nation which must continue to suffer from internal aggressions, alike of individuals on one another and of the State on individuals. It is impossible to unite the blessings of equity at home with the commission of inequities abroad.

Of course there will arise the question—Why, then, enunciate and emphasize a theory at variance with the theory adapted to our present state?

Beyond the general reply that it is the duty of every one who regards a doctrine as true and important, to do what he can towards diffusing it, leaving the result to be what it may be, there are several more special replies, each of which is sufficient.

In the first place an ideal, far in advance of practicability though it may be, is always needful for right guidance. If, amid all those compromises which the circumstances of the times necessitate, or are thought to necessitate, there exist no true conceptions of better and worse in social organization—if nothing beyond the exigencies of the moment are attended to, and the proximately best is habitually identified with the ultimately best; there cannot be any true progress. However distant may be the goal, and however often intervening obstacles may necessitate deviation in our course towards it, it is obviously requisite to know whereabouts it lies.

Again, while something like the present degree of subjection of the individual to the State, and something like the current political theory adapted to it, may remain needful in presence of existing international relations; it is by no means needful that this subjection should be made greater and the adapted theory strengthened. In our days of active philanthropy, hosts of people eager to achieve benefits for their less fortunate fellows by the shortest methods, are busily occupied in developing administrative arrangements of a kind proper to a lower type of society—are bringing about retrogression while aiming at progression. The normal difficulties in the way of advance are sufficiently great, and it is lamentable that they should be made greater. Hence, something well worth doing may be done, if philanthropists can be shown

that they are in many cases insuring the future ill-being of men while eagerly pursuing their present well-being.

Chiefly, however, it is important to impress on all the great truth, at present but little recognized, that a society's internal and external policies are so bound together, that there cannot be an essential improvement of the one without an essential improvement of the other. A higher standard of international justice must be habitually acted upon, before there can be conformity to a higher standard of justice in our national arrangements. The conviction that a dependence of this kind exists, could it be diffused among civilized peoples, would greatly check aggressive behaviour towards one another; and, by doing this, would diminish the coerciveness of their governmental systems while appropriately changing their political theories.

THE END.

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